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SAN FRANCISCO

Vigilance Committee

OF '56,

WITH

SOME INTERESTING SKETCHES OF EVENTS
SUCCEEDING 1848.

EDITED BY

FRANK MERIWEATHER SMITH.

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PRICE, FIFTY CENTS.

SAN FRANCISCO, CAL.
Barry, Baird & Co., Printers and Publishers, 419 Sacramento St.
1883.

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PRELIMINARY.

To be prudent, or rather to be in fashion, I presume I should begin with an apology or excuse, for a seeming violation of modesty in addressing the public.

The usual motive of a preface, as I understand from those I have read, is to enlist the sympathy, or at least, the mild criticism of the reader. Neither of these reasons, however, induces this prologue.

Yet, I hope I shall not be accused of conceit; for in thus compiling that which has been in substance written by another, or others, I hereby disclaim all personal credit for whatever merit the book may possess. Nor, indeed, seek I any further emolument than your patronage, kind reader.

The incidents herein related are authentically historical; which, from their startling, I should say tragic nature, will, I am led to believe, very much entertain.

I sincerely hope that my efforts, in thus collecting and connecting these records of the past, and presenting them to the present public, will be approved.

Allow a word by way of palliation. The paragraphs from which the greater portion of this publication was obtained, were hastily written by newspaper editors, with a view merely to give the facts to the people as they occurred; they have been equally as hastily compiled by myself.

But I think the story is complete, in respect to what I claim for it; and it certainly comes from excellent evidence.

I will now proceed with the real object of this introductory, to give to the reader an idea of what the book contains.

It is essentially a history of the proceedings of that body known as the Vigilance Committee.

In Part First I have briefly alluded to some of the primitive features of San Francisco, which we find in 1846 to be a small trading village, for the accommodation of a few individuals. Several years later, when discoveries whirled to the four-quarters of the globe the magic cry of *gold*, thousands deserted their homes, to seek the precious metal of California.

As a star which shines resplendent after the clouds have been lifted; so, San Francisco at once became attractive. It immediately became a place of note; and very soon, a city of importance. Rushing schemes, and dazzling scenes, and a population which comprised the good and bad (no indifferent) from every class and species of humanity.

Some of the evils which resulted were of such a hideous nature, that it was necessary for them to be subdued. After appealing and waiting in vain for a suppression by the authorities, the people finally arose in self defence.

This was first done in 1849, and continued throughout '51. I have not attempted to give a minute account of the Vigilantes of these years; but have related their important acts. I have also given a brief sketch of the miscreants, the organization known as the "Hounds," against whom the Vigilantes first directed their action.

In Part Second I have endeavored to give a full and detailed account of the important events that were associated with the Vigilance Committee during the year 1856; which, by the way, was the most notable year of its existence.

I have given almost in full the legal court proceedings during the trial of Charles Cora, for the murder of General Richardson; embracing the entire arguments, on record, of prosecution and defense in the case.

I have, also, given the after action of the Vigilantes in connection with the same matter.

In short, the publication comprises the origin, the action, and the result, the cause and the effect of the action of the Vigilantes of San Francisco.

San Francisco Vigilance Committee of '56.

CHAPTER I.

The original name of the City of San Francisco was Yerba Buena, (good herb.) This title it derived from the abundance of an herb, or vine, which grew along the shores of some portions of the bay, especially about the cove where the first settlement was made, and on an island opposite the village. The qualities of the herb were said to be medicinally beneficial—hence the name Buena, good.

The history of the village previous to 1846, would be simply a record of the private business transactions of the Hudson Bay Co. whose agents and employees constituted almost the entire population. In the early part of this year, the Hudson Bay Co. disposed of their property, and removed from the place, and very soon thereafter the village began gradually to improve. By the middle of the year the population of the place amounted to about two hundred, and in June, 1847, it numbered 459 persons; of which there were 375 whites, 34 Indians, 40 Sandwich Islanders, and 10 negroes. The Indians, negroes, and Sandwich Islanders were mostly employed as servants and porters. Many of the Sandwich Islanders were engaged in navigating the bay, and were most expert boatmen.

On the 30th January of this year, 1847, the following ordinance appeared in the "California Star:"

"*Whereas*, the local name of Yerba Buena, as applied to the settlement or town of San Francisco, is unknown beyond the district, and has been applied from the local name of the cove on which the town was built; therefore, to prevent confusion and mistakes in public documents, and that the town may have the advantage of the name given on the public map, it is hereby ordained, that the name of San Francisco shall hereafter be used in all official communications and public documents or records appertaining to the town.

(Signed) WASH'N A. BARTLETT,
Chief Magistrate."

Mr. Bartlett was the first Alcalde of San Francisco, under the American flag.

POWER OF THE ALCALDE.

Under the laws of Mexico, an Alcalde had entire control of municipal affairs, and administered justice pretty much as he pleased; without being tied down to precedents and formal principles of law. He was absolute monarch of the corporation.

By the middle of March, 1848, San Francisco had grown to the number of 812 inhabitants, and bid fair to become a town of considerable merchantile importance, on account of its excellent harbor and prolific agricultural interior. But the calm pursuit of even business was soon to be distracted. Early in the spring of this year, gold was discovered in large quantities among the foothills of the Sierra Nevadas. Some of the parcels had been forwarded to San Francisco, while visitors from the mines, and a few diggers arrived, and told of the riches of the gold regions.

Shortly after these reports were made, the inhabitants of the country began singly, and in bands, to emigrate to the region where it was said lay untold wealth. Labor rose rapidly in value, and soon all business, except the most urgent, was suspended. Seamen deserted their ships, soldiers their barracks, and all over the country from San Francisco to Los Angeles, and from the sea shore to the base of the Sierras resounded the sordid cry of *Gold*.

While the field was left unplanted, the house half built, and everything neglected except the manufacture of shovels and pick-axes, and the necessaries for the transportation to the regions where one man obtained one hundred and twenty-eight dollars worth of gold in a day's washing, and the average for all was twenty dollars per day

The items of San Francisco during this time were scarce; the place was continually being deserted; the council had not met for two months, its members all "gone to the gold diggings."

The story, however, has a shady as well as a bright side, for although the gold which the mines yielded was almost fabulous, yet, from the great number who sought it, not all could not be successful; and, from the distant separation from the necesaries of life, things eatable or drinkable were only to be had at prices, which if I should mention would appear as incredulous, such as eighty dollars for a pint of brandy, or forty dollars for a dose of purge, with corresponding prices for all other articles, drew heavily even on the successful miner. So those who did not "strike it big" grew rich very slowly.

In the mines the comforts of life were not to be thought of, and, as a malignant fever attacked many during the fall of '48, there was much suffering. But still the miners flocked to the gold regions, and their immense numbers had to be supplied. Cargoes of provisions were brought by vessels to San Francisco, stores erected; and, as the miners were willing to pay large returns for their supplies, the merchantmen could afford to pay high wages to employees, none of whom would work for less than ten dollars per day. So, suddenly San Francisco became an active business emporium Large buildings were erected, labor in high demand, which, from the immense foreign immigration, was easily supplied. Gambling saloons glittered like fairy palaces, in which all classes participated. San Francisco was really the recipient of most of the wealth of the mines; hence its prosperity. Commerce began with many of the foreign countries, and everything was on the boom.

In February, 1849, it was estimated that the population was two thousand; two months later it was three thousand; and in July it was over five thousand. The social condition of the town at this time was horribly demoralized. Gaming, drunkenness, fights and brawls seemed to be the license of every corner; to which there was paid but little attention. The first intelligence of the discovery of gold in California naturally attracted the most daring and clever adventurers; those of blemished reputation, who saw in this modern Dorado an opportunity for the repetition of those crimes which rendered their present abodes unsafe. Many were convicts who had served their terms.

Society in California, at this time, might be classified under three distinct heads or bodies, whose avocations were entirely different.

We may first metion the mercantile men, respectable managers of stores, taverns, etc.; then the honest working man, including miners, etc.; all of whom were lucratively rewarded. Then came a class of offscourings of other countries, and the curses to California — too lazy to work, except at debauchery — thieves, burglars and ex-convicts. From among the latter class, there organized, in the early spring of 1849, a society known as the "Hounds" And they were the veriest rogues and ruffians that ever haunted a community. They were ostensibly organized for the purpose of self-protection; but were really a band of self-licensed robbers. They organized themselves so far that they had a place of meeting, or head-quarters, which they called Tammany Hall. Leaders were appointed to conduct operations, and afterwards apportion the spoils. They shortly after adopted the name of "Regulators," and were so bold, with their strength, as to attempt a military display; armed with revolver and bludgeon, they paraded the streets on Sunday, with fife and drum and flying colors. Their outrages they usually perpetrated at dead midnight. They invaded the stores, taverns, and houses of Americans themselves, and demanded whatever they desired; but particalarly upon foreigners was their conduct atrocious. They entered their tents or dwellings, robbed and pillaged them, and abused them in the most barbarous manner—often ending with murder. At this time there was scarcely any order in the town; no police force; and in the hot pursuit for gain it was 'every man take care of himself;" so that the "hounds" had everything their own way, and were the dread of the community. Finally, however, a series of the most barbarous, destructive and daring attacks were perpetrated by these desperadoes on Sunday, July 15th, which at last aroused the decent citizens to a determined counteraction.

Upon this occasion, the "hounds," in broad daylight, attacked, pillaged, beat and abused the inoffensive foreigners, and wound up by making night hideous with their prowling yells, throughout the streets of the city. The following Monday the whole decent population rose, with indignation and determination, to put these vagabonds down and out. At this time San Francisco had no proper municipal organization. The people, therefore, had to do everything for themselves. They accordingly held a mass meeting; prominent men were appointed judges and counsel for prosecution and defense, and at once proceeded with the trial of the rioters. A jury found them guilty of riot, robbery, and assault with intent to kill. Two of the leaders, and most active and daring of the desperadoes, Roberts and Saunders, were sentenced to ten years imprisonment, with hard labor; others were sentenced to twelve months imprisonment, in whatever manner and place the government might direct. Thus ended this affair of the "hounds," and the city was for a while at peace. For some reason, these terms of imprisonment were never fully executed; we shall have occasion to speak of the "hounds" hereafter.

During the latter part of the year 1849, and during the years '50 and '51, San Francisco was visited by a series of fires which, on several occasions, almost entirely demolished the most substantial business portions of the city. In 1849 a volunteer fire company was organized, and at the alarm of the fire bell, not only the corner loafer and idle stroller ran to the fire, but the millionaire jumped from his desk, the judge from his bench, the lawyer, the doctor, from his office, all to join hands and quell the foe.

Six terrible fires devastated the city from '49 to '51. The fire of May 4th, '51, said to have destroyed 18 entire blocks, from the most valuable portion of the city. The fire department at this time seems to have been completely organized, but the buildings were of very inflammable structure. Measures were adopted however, for more permanent buildings, and houses of brick, stone and iron work were erected, which, together with the efficient fire companies, enabled them to suppress extensive ravages of subsequent fires. The fires were supposed to have originated from incendiaries, but it was assured that these villians fanned the flames, by applying the torch to different portions of the city. The people uttered imprecations on the heads of these vagabonds, which will shortly be spoken of in the annals of the Vigilantes.

In 1850 California was admitted into the U. S., and has been therefrom under the protection of our government. Throughout that entire year merchantmen poured like a hurricane into the city. The markets were flooded with supplies, many of which, from their liability to damage, were sold at under prices. Quite a contrast from the year '49, when one dollar was often paid for a pill which this year could be had at fifty cents per box. By the latter part of the year the population had increased to about eighteen thousand people. We are, however, endeavoring to write of the Vigilantes, and not a general history of the city, so we will not recall those scenes necessarily incident to the most active, wild, and excited city in the universe

There are probably no events in the history of San Francisco, that have attracted more interest, excited more attention and varied feelings than the exploits of this organization.

Scorn and applause, exoneration and abuse, indignation and sympathy, have been the expressions of the civilized world in speaking of the Vigilance Committee of San Francisco. To law loving, peaceable, and worthy people, it did seem strange that such an organization, which usurped, as it were, the laws of the land, and inflicted the severest penalties, should exist without molestation at this time.

And while the finger of scorn has often been pointed at these proceedings, and they have been mentioned as a matter of reproach in other lands, yet from this power California recognized her only protector for life and property, her only security for peace and virtue.

Such was the object of the society of Vigilantes. The remedy was violent, but the result was good.

We have already briefly mentioned the affair of the "hounds" of 1849. The measures taken at that time had the effect of holding somewhat in check the other vicious characters of the city.

But the great immigration of the fall of '49 and '50, swelling the city to about twenty-five thousand during the latter year; this, together with the stir and bustle of the city, caused the affair of '49 to be forgotten, except to the actual offenders of that time.

The inducements offered for the practice of thievery and debauchery, together with the weak measures of justice, had attracted large numbers of some of the worst characters from all portions of the globe.

America, no doubt, supplies a number of these plunderers; but the most daring, and probably the most numerous class, had come from Van Dieman's Land and New South Wales, where they had been sent by England as convicted felons. The voyage from Sydney to San Francisco being neither tedious nor expensive, great numbers of "ticket of leave" men, and ex-convicts, early contrived to sail for California. Such men as these, together with some of the worst that America afforded; criminals from all portions of the world were scattered throughout the city of San Francisco, and throughout all California. If routed from one place, they could easily find comrades in another; if brought before a judicial, they could easily find friends to assist them out of the difficulty. They feared no penalty except execution, and that they had no reason to fear in California.

In the city their abodes were dance houses of the most disreputable class; and low drinking places, such as the "seven dials" and the "five points," where it was dangerous in the highest degree for a single person to enter, and dangerous for any decent person to be in the vicinity after dark.

The majesty of the law, so awful in other countries, was to this band of robbers a matter of ridicule. Police did not dare even to enter their dens, wherein the plunge and rip of the knife, and the deadly shot of the pistol, told of the desperate nature of the occupants. Some of the police, it is said, (and we grieve to hear it) were in league with the criminals themselves, and assisted them to evade justice. Other members of the force were active in their endeavors to perform duty, and preserve peace in the city; but their efforts were unavailing.

Bail was readily accepted in the most serious cases, when the security was absolutely worthless; and frequently, both principal and guarantor disappeared before the time of trial.

It was an awful fact, known to all, that within a few months over 100 murders had been perpetrated in this city, yet not one criminal had been executed! During this awful period the Vigilance Committee was organized. They knew that they had no ordinary foe to contend with. They foresaw labor, expense, and danger to themselves—(these were trifles) but also grievous responsibility, and perhaps misconception and personal obliquy thrown upon their motives and conduct. But they undertook it; (for what will not men undertake for their own protection?) They undertook it in a manly way. They placed their names before the world in open countenance, nor endeavored to hide the details of their actions.

The law of nature must eventually control all civil law. It may be for a while distorted, as the features of a face in pain, but when relieved will again resume its peaceful countenance. We recognize as one of these laws the right of self-preservation. Then, when an individual or community has been attacked, has it not a right to resist the injuries being inflicted, even though by so doing it should be necessary to inflict violence on the invaders? The people of San Francisco feel that they have been attacked by a horde of miscreants, who have demoralized the condition and reputation of the city; and the people are determined, *at all hazards*, to crush out this element of vice and corruption, and endeavor to have some peace, virtue, and safety in their homes. It was during this dreadful state of uncertainty that the famous Vigilance Committee of 1851 was organized.

On the 19th of February of this year, about 8 o'clock in the evening, two men entered the store of C. J. Jansen & Co., and asked to see some blankets, stating that they wished to purchase. Mr Jansen proceeded to show the blankets to the parties, when he was violently struck with a slung-shot, which knocked him down. He was then most brutally beaten by the robbers, and left insensible, they supposing him to be dead. The robbers then proceeded to sack the store of two thousand dollars, and fled. The next day two parties were arrested who were supposed to be the robbers. Mr. Jansen identified one of them, but was in doubt in regard to the other. The prisoners however, were held in confinement in the City Hall, which was surrounded by about five thousand people—not a mob, but respectable men, of good character and position, who could no longer restrain their indignation at such dastardy. A few days later, at a mass meeting at the Plaza, officers were selected and a committee formed, but no complete organization was made public till some months later. It was during the month of June of 1851, that the permanent committee was formed; subject to the following constitution:

"WHEREAS, It has become apparent to the citizens of San Francisco, that there is no security for life and property, either under the regulations of society as it at present exists, or under the law as administered;

Therefore, The citizens, whose names are hereunto attached, do unite themselves into an association for the maintenance of the peace and good order of society, and the preservation of the lives and property of the citizens of San Francisco; and do bind ourselves, each unto the other, to do and perform every lawful act for the maintenance of law and order, and to sustain the laws, when faithfully and properly administered; but we are determined that no thief, burglar, incendiary, or assassin shall escape punishment; either by quibbles of the law, the insecurity of prisons, the carelessness or corruption of police, or a laxity of those who pretend to administer justice. And to secure the objects of this association we do dereby agree:—

1st. That the name and style of the association shall be the COMMITTEE OF VIGILANCE, for the protection of the lives and property of the citizens and residents of the city of San Francisco"

Other rules and regulations relative to the *modus operandi*, in proceeding to signal the members together, and the order to be observed during meeting were framed. They are too lengthy to here detain the reader, especially as they are almost the same in the detailed account of the Vigilantes, which we publish in full in Part Second, for '56.

An opportunity soon presented to test the character of this extraordinary association. A person named John Jenkins, committed some vile depredation on the evening of June 10th. His previous character had been irreparably bad. He was arrested and tried by the committee, and condemned to be hanged. He was allowed to speak to the people however, and he asked them if they approved the action of the committee? Aye! Aye! burst from the tremendous crowd. He was then hanged until he was dead, and the community was one element purer.

The following day a coroner's inquest was held, and a verdict brought in, that one Jenkins had been hanged by a society claiming to be a Vigilance Committee. The inquest, also mentioned the names of about a dozen parties connected with the committee and the hanging, thereby directing responsibility, as it were, on the hands of those few. The following day about two hundred names appeared to the public, as members of the committee; stating that they belonged to the association, and that they stood responsible for the hanging of Jenkins. They were among the most respectable and influential of San Francisco's citizens. This, at once stamped the committee with respect, and enlisted the confidence of the community. They also caused to be published the following resolution:

"WHEREAS, The citizens of San Francisco, convinced that there exists within its limits a band of robbers and incendiaries, who have, several times, burned and attempted to burn their city, who nightly attack their persons, and break into their buildings; destroy their quiet, jeopardize their lives and property, and generally disturb the natural order of society; and whereas, many of those taken by the police have succeeded in escaping from their prisons, by carelessness, by connivance, or from want of proper means of force to secure their confinement; therefore, be it

Resolved, That the citizens of this place be made aware that the Committee of Vigilance will be ever ready to receive information as to the whereabouts of any disorderly or suspicious person or persons, as well as the persons themselves when suspected of crime. That, as it is the conviction of a large portion of our citizens, that there exists in this city a nucleus of convicts and disorderly persons, around which cluster those who have seriously disturbed the peace, and affected the best interests of our city; such as are known to the police of the city, or to the Committee of Vigilance, as felons by conduct or association, be notified to leave this port within five days from this date, and at the expiration of which time they shall be compelled to depart, if they have not already done so;

Resolved, That a Safety Committee of thirty persons be appointed, whose sacred duty it shall be to visit every vessel arriving with notorious or suspicious characters on board, and unless they can present to the committee evidences of good character and honesty, they shall be reshipped to the places from whence they came, and not be permitted to pollute our soil.

Resolved, That all good citizens be invited to join and assist the Committee of Vigilance in carrying out the above measures, so necessary for the perfect restoration of the peace, safety and good order of the community."

These resolutions did not long lie dormant, but were quickly and extensively acted upon. The tragic fate of Jenkins, and the determination manifested to deal severely with the villains, had the effect of frightening many away. The steamers to Stockton and Sacramento were crowded with the flying rascals; but the exodus was not sufficient. The more desperate characters remained, and unless the city were more thoroughly purged, matters would soon become as frightful as ever.

There was an old Mexican law of the State, forbidding the immigration of bad characters into the country; this law, which had been disregarded of late was now put strictly into execution by the Committee; and, also, notices were served on persons known to be of vicious character—"Sydney Coves" and the like kind—that they instantly leave the city, on fear of being forcibly expelled to the places whence they came.

This was rigidly enforced and had a very wholesome effect Some individuals having thrown obstacles in the way of the committee, the following public notice was issued by that body:

"VIGILANCE COMMITTEE ROOMS

It having become necessary to the peace and quiet of this community, that all criminals and abettors in crime, should be driven from among us; no good citizen, having the welfare of San Francisco at heart, will deny the Committee of Vigilance such information as will enable them to carry out the above object. Nor will they interfere with said committee when they may deem it best to search any premises for suspicious characters or stolen property; therefore

Resolved, That we, the Vigilance Committee, claim to ourselves the right to enter any person or person's premises, when we have good reason to believe that we shall find evidence to substantiate and carry out the object of this body. And further, deeming ourselves engaged in good and just cause, we *intend to maintain it.*

Signed, by order of
Vigilance Committee, No. 67, Secretary."

This publication had a decidedly successful effect. As persons who themselves were not above reproach, still wished to avoid their own crimination, and therefore would not shelter the fugitive miscreants; their hiding places being scarce—they were forced to fly.

The next act of execution by the hands of the committee, was on the 11th of the following July. One James Stuart, who after having been regularly tried by the committee, was found guilty, and condemned to death. He subsequently made a full confession of his crimes. It seems, at sixteen years of age, he had been transported from England to Australia, for forgery. His whole life subsequent to that time has been a succession of vice and villainy. He had only been in California a short time, but during that period, he had assisted in perpetrating more murders and burglaries than any criminal whose history had yet been recorded in California. His confession revealed an alarming state of social impurity in San Francisco. About 9 o'clock on the morning of the 11th of July, the customary taps on the bell of the Monumental Engine House, told that a matter of life and death was under consideration, which summoned the entire Vigilance Committee. A large mass of people assembled about the rooms where the prisoner was confined. Col. Stephenson addressed the people. He stated the facts of the case in question, giving an account of the life of the prisoner etc., and telling the sentence as pronounced by the Vigilantes. He inquired whether the people approved the sentence and its immediate execution? A large shout in the affirmative assured his inquiry. The prisoner was then allowed two hour's grace, during which time the Rev Dr. Mills was closeted with him in communion. The committee, four hundred in number, during this interval, sat grimly on their seats. They felt the responsibility and unpleasantness of the task before them, but they did not hesitate. After the expiration of the two hours, the condemned was led forth under a strong guard, the rest of the committee following in orderly line behind the prisoner. A great crowd of citizens followed. He was taken down Battery street to the end of the Market street wharf, where everything had been previously arranged for the execution. Very soon after the procession reached the spot, the fatal rope was adjusted, and the condemned hoisted up with a derrick.

He did not struggle much. After hanging a few seconds, his hat fell off, and a slight breeze stirred and gently waved his hair. This was a sorry spectacle—a human being dying like a dog; while thousands of erring mortals, whose wickedness only had not yet been found out looked on and applauded. But necessity, which dared not trust itself to feelings of compassion, commanded the deed, and unprofitable sentiment sunk abashed. Reason loudly declared *so perish every villain who would hurt his neighbor!* and all the people said "*Amen!*"

The grand jury, empanelled for the special July term by the court of sessions, toward the close of a long report on the condition of crime in San Francisco, and in which they made allusion to this Vigilance Committee, took occasion to say:

"When we recall the delays, inefficient, and we believe that with truth it may be said, the corrupt administration of the law, the incapacity and indifference of those who are its sworn guardians and ministers, the frequent disregard of duty, and impatience while attending to perform manifested by *some* of our judges; the many notorious villains who have gone unpunished, lead us to the belief that the association of Vigilantes have been governed by a feeling of opposition to the manner in which the law has been performed, rather than a disregard to the law itself."

The grand jurors whilst they deplore their acts, believe that the Vigilance Committee, at great personal sacrifice to themselves, have been influenced by no malice, personal or private; that their only incentive was the welfare of the community. They closed the lengthy comment of this subject with the following statement: "To the members of the Vigilance Committee we are indebted for much valuable information and many important witnesses." This testimony shows the estimation in which the Vigilantes were held by some of the most enlightened members of the community, who, themselves, had a duty to perform respecting crime in the district.

The next occasion of execution performed by the Vigilantes was on the 24th of the following August, two persons, Samuel Whittaker and Robert McKenzie, had been arrested and duly and fairly tried by the committee, they confessed their guilt, and were condemned to be hanged. These men were notoriously bad, their names being familiar and repulsive to all decent citizens. They were hanged side by side, in public view, on August 24th, 1851; the sight striking terror to the hearts of other evil doers, who were impressed by these examples that they could no longer be safe in San Francisco; such as had been suspected, and notified by the committee, quickly left the city; they, however, found no shelter in the interior. Shortly after the formation of the Vigilantes in San Francisco, the citizens of Sacramento, Stockton, San Jose, and all the rest of the towns of importance, organized a Vigilance Society, for their protection and safety.

Thus, by almost an universal effort was Califoania cleansed of the sweepings of prisons, and the alley-thieves of other lands, and once more rendered pure, sweet and safe. On the 16th day of the following September, the Vigilance Committee agreed to suspend indefinitely further operation in the city. They, however, retained rooms and an organization which could be called into action on very short notice. Indeed, several times afterward, they were of material service to the authorities, in performing their functions of office.

The committee placed its services at the disposal of the legal administrators of justice, and they proved themselves to be the true guardians of the citizens of San Francisco. When the city authorities offered a reward of $2500 for the apprehension of an incendiary, the committee offered double the amount for the same. Thus they aided in many ways the efficiency of the officers of law. People who have condemned the Vigilance Committee as a lawless mob, do great injustice to those respectable members. Those who thus descry probably know little or nothing about the then existing condition of society in California. For such persons there may be some excuse, but for those who may be cognizant of these facts, and who still villify the action, they must either be grossly in favor of vice, or else sadly deficient in the plainest principles of common sense. I am informed by an ex-Vigilante, that the roll-call of the committee of this year, at the time of its disbandment, amounted to 700 members, that of '56 was much more extensive.

PART SECOND.

The reader must be content to lose sight of the happenings from the year '51 to '56, as this book is really a history of the Vigilantes of the latter year. During the year 1853, the business of San Francisco underwent great depression. At the close of that year, however, the population was estimated to be about fifty thousand. Early in 1854 new gold developments gave life to all business throughout the State. It was during this year in fact, that the most noted discoveries mere made. So business was all that could be desired in San Francisco up to the close of '55; the population of the city having increased to about seventy-five thousand. To be consistent, it is necessary to give cause for the violent measures which characterized the action of the Vigilance Committee during the year 1856. So I will begin by illustrating the crime for which the offender was afterwards held to answer by the Vigilantes. The reports I gather from the papers of those dates, as they were *in truth* given.

CHAPTER I.

From the San Francisco *Alta*, Nov. 18, 1855:—Gen. William H. Richardson was assassinated in the streets of this city last evening, under circumstances particularly atrocious. Murders have been committed for robbery or from motives of revenge, but for this one there appears to have been no inciting cause, but an unnatural thirst for blood. We shall endeavor to detail the facts as clearly as they uld be gathered upon a long and diligent investigation.

Gen. Richardson and a man named Charles Cora (an Italian by birth, but for some time a resident of California) had a quarrel in front of the Cosmopolitan Saloon, which is between Clay and Commercial streets, on Friday evening. The quarrel was, in itself, a very trifling affair, and was supposed to have been arranged to the mutual satisfaction of the parties. Yesterday evening they met again at the Blue Wing, where further explanations were made; from which, those who were near enough to notice what was going on, understood that all unkind feelings on the part of either were dropped. They stepped out of the house onto the sidewalk and talked together for a few minutes, after which they turned into Clay street and walked off together arm in arm. What followed is best described by witnesses. A Mr. Robinson, passing out of Leidesdorff street into Clay, and going towards Montgomery, saw two men standing in the doorway of Messrs. Godeffroy & Sillems' brick building. One of the men had a pistol in his right hand, the muzzle pointed at the breast of the other, while with his left hand he had grasped the collar of his coat. He heard the man who was thus held by the collar say, "You would not shoot me, would you? I am not armed!" Supposing matters were serious, and seeing a man on the opposite side of the street whom he supposed to be a policeman, Mr. Robinson rushed across the street and said: "separate these men or there will be trouble." Instantly he found he was mistaken, that the person he addressed was not a policeman; he then ran up to the corner of Clay and Montgomery streets, and seeing no officer there he turned back, determined to separate the parties himself. As he was going towards them a pistol was discharged, and Gen. Richardson fell dead. This was at 7 o'clock P. M. From the time that Mr. Robinson first saw the men, until the shooting, must have been nearly three minutes. The person mistaken by Robinson for an officer, having the attention called to the persons in Godeffrey and Sillems' doorway, also observed that one was holding the other by the collar, and had a pistol at his breast. The man who was thus held made no manner of resistance; on the contrary, his hands were hanging down at his side. After firing the pistol the assassin released his hold upon the collar of his victim and walked up Clay street. He was, however, followed by persons who saw the occurrence, and was very shortly after arrested and placed in the custody of the City Marshal.

The person who was shot died almost instantly. A shock, such as this community has seldom felt, was communicated from one end of this city to the other, as soon as the body of the murdered man was recognized to be that of Gen. Richardson. Montgomery street, in the vicinity of the spot where the murder was committed, was soon filled with a highly excited crowd. There was talk of lynching, and regrets that the Vigilance Committee had disbanded; but no resort was had to violence. Later in the evening, the startling tap of the

Monumental bell was heard, and many of the old members of the Vigilance Committee, together with a crowd of persons who were not members, assembled at the Oriental. Mr. Samuel Brannan delivered an exciting speech and resolutions were declared to have the law efficiently executed in this trial. Gen. Richardson's body was conveyed to the U. S. Marshal's office, in the Merchants' Exchange building, where it was exposed to view during a considerable portion of the night; and was visited by large numbers of his friends and acquaintances. Doctors A. F. Sawyer and Rowell made a post mortem examination of the body, with the following result: The ball entered the body about two and one half inches above the left nipple; it perforated the fourth rib, near its junction with the cartilage of the rib, and passed through the thin margin of the left lung, the left cuticle of the heart, the middle lobe of the right lung; and was found under the integument over the eighth rib, toward the interior part of the body.

Gen. Richardson has been prominent in California ever since the organization of the State Government. In 1851 he was elected by the Legislature, Quarter-Master General of the California Militia. In 1852 he was a delegate to the Democratic National Convention, which nominated Gen. Pierce for the Presidency. In March, 1853, Gen. Richardson was appointed U. S. Marshal for the Northern District of California; and this office he has held up to the present time. General Richardson was brave and chivalric to a proverb; and withal, so gentle and quiet in his demeanor towards all, that none could know him and not love him He was about 33 years of age, and a native of Washington, D. C. He leaves a young wife overwhelmed in grief, and whose situation is such as to call forth the strongest sympathy of every individual. Charles Cora, who committed the deed, is stated to be a native of Italy, and is said to be a member of the "sporting fraternity." He is now confined in the County Jail. If there are any palliating circumstances connected with the murder, they have not yet come to light.

October 19, Coroner's verdict—A coroner's inquest was held by Coroner Kent, on the body of Gen. William H. Richardson, at the U. S. Circuit Court room, Sunday morning, at 10 o'clock. The room was thronged with spectators. The body was lying in an adjoining room, and during the whole forenoon was visited by a large number of persons. The following jury was sworn upon the inquest:—Judge Chambers, Frederick Boyle, P. D. Kilduff, George Amerige, Charles Dexter, G. C. Jones, Alvin Flanders, J. M. Fannell. Three derringer pistols were exhibited upon the table; two of which had been taken from Cora—one discharged and the other loaded—and one had been found near the body of Gen. Richardson, cocked but not discharged. After a long examination, which occupies an entire column of the *Alta*, and which included a dozen witnesses, the following verdict was returned: That the said William H. Richardson came to his death by a pistol shot fired from the hands of one Charles Cora, on the night of Saturday, Nov. 17th, between the hours of 6 and 7 o'clock; and that the said Richardson went in company with the said Charles Cora to a place near the corner of Clay and Leidesdorff streets, in the city of San Francisco, in front of a store occupied by Fox & O'Connor, and that the said Richardson was then deprived of his life in the manner aforesaid by the said Cora; and from the facts produced, the jury believe that the said act was premeditated, and that there was nothing to mitigate the same. Signed by the jurors.

From the *Alta*, the following day, we copy: "The case of Cora, who killed General Richardson, will in due time come up for trial in the Fourth District Court, before Judge Hager. There has not been a murder trial in this Court since Judge Hager presided." The next news we have of Cora is under date Dec. 2d, S. F. *Alta:* During the session of the 4th District Court, yesterpay, Chas. Cora was arraigned to plead to his indictment for the murder of Gen. Richardson. It had been kept profoundly secret that this judicial ceremony was about to take place, in order to avoid the collecting of a crowd, and the exitement consequent thereupon.

The prisoner was brought down by Sheriff Scannell, and his efficient Deputy Mr. Harrison. He was conveyed in a closed carriage, and the whole ceremony of arraignment in the Court-room was a matter of extreme privacy. When the prisoner had been confined in the Judge's chambers, our reporter went to see him. He was looking remarkably easy and self-possessed, without, however, anything like braggadocia in his manner. He was seated upon a sofa conversing with Judge Tilford, one of his counsel, smiling, and apparently at ease. He was dressed in a somewhat fancy style; wearing a richly figured velvet vest, and light sporting-kids; which, together with an overcoat thrown lightly over his shoulders, a neatly trimmed moustache, and his nonchalant air, made up quite a characteristic tout ensemble. On being ushed into the Court room, the prisoner occupied one of the chairs in the jury box. Mr. Carpenter, acting District Attorney, said: I now move the Court that Charles Cora be arrained on his indictment for murder, for the purpose of pleading thereto. Col. Wood, the clerk, then took the bill of indictment and cried out, in a loud voice, "stand up Mr. Cora." The prisoner stood up, and heard the indictment read without betraying any emotion whatever. The District Attorney then put the usual question. "Is your name Charles Cora?" The prisoner responded, "Yes Sir."

Gen. McDougal, of counsel for the prisoner, said: "It is not the proper time for him to plead now, your Honor; it is not expected that he shall put in his plea now, and we ask an extension of time until Wednesday for pleading."

Judge Hager—"I shall only give you until Monday to plead."

Gen. McDougal—"I desire to state to the Court that the prisoner's counsel are anxious to have the time for pleading extended until Wednesday. There would not be sufficient time before Monday for a consultation among the prisoner's counsel." Col. Baker, also of prisoner's counsel, suggested that he was then occupied in a criminal trial, which would probably extend until Monday. The District Attorney having, also, said that he had no objection to the brief postponement, the Court eventually allowed an extension of time to plead until the following Wednesday.

Judge Hager—"I desire to know of the District Attorney, if this will be the first case brought up for trial?"

Mr. Carpenter—"No, sir." There are other cases on the criminal calendar, awaiting disposition; but the case of Cora shall be taken up just as soon as possible." The prisoner was then removed by Sheriff Scannell. Quite an arary of counsel appeared in behalf of prisoner—Namely: Gen. McDougal, Col. Baker, Judge Tilford, and Col. James.

Wednesday the Court was occupied by another important murder trial; so, Cora's case was not heard until Thursday, and the time was consumed by arguments relative to the irregularity of the indictment, the counsel for prisoner, pleading an extention of time. On Saturday the case was again heard. After much technical argument, in which the District Attorney was unable to overrule the objections of Col. James, the Court resubmitted the case to the grand jury, and the prisoner remanded to custody. Col. James then rose and said; "I now move that the prisoner be discharged entirely from custody. The indictment has been annulled by the Court's decision, and there is nothing now to hold the prisoner. I want two or three minutes to prepare a bill of exceptions to have the motion argued."

Judge Hager at once replied: "The Court cannot listen to any argument on such a motion; the case is referred to another grand jury." So Cora was conducted back to jail. The Court had given its decision simply on the ground that the District Attorney had asked that the demurrer be sustained; alleging that he did not wish to peril the case by irregular proceedings. The case cannot now possibly be tried this term of Court.—*S. F. Alta.*

Dec. 13—Acting District Att'y Carpenter filed an affidavit to the Honorable T. W. Freelon, Presiding Judge of the Court of Sessions, of the County of San Francisco, asking that a grand jury forthwith be ordered to be summoned before the Court, to investigate the Cora case; and to transact such business as may lawfully come before the Court. E. R. CARPENTER.

On the foundation of the petition, an order was entered for the summoning of a grand jury; and requiring to make return at twelve o'clock to-day, Friday. An order was also entered for the resubmission of Cora's case to the grand jury.

Dec. 15, Court of Sessions—T. W. Freelon, Judge and Associates:

The Sheriff returned the names of the following gentlemen to serve on the grand jury for the regular term:—

R. McKee (appointed foreman) Henry E. Perne, Frank Baker, Charles Hasmer, B. Peyton, Jr., H. Carrison, J. Mora Moss, Jr., T. H. Selby, A. G. Ramsdell, W. P. Jones, Geo. W. Green, F. B. Folger, Mr. Randolph, G. H. Wheeler, Edw. Beale, P. W. Van Winkle, Patrick Hunt, C. B. Polhemus, T. J. L. Smiley, Chas W. Rand, Ferdinand Vassault, Chas. H. Morgan, Samuel Loring, and T. Hoynes. At the suggestion of District Attorney Carpenter, Charles Cora was brought into Court at the appointed hour for the organization of the grand jury. The prisoner was called upon by the Court personally. Court—"Charles Cora, stand up. Do you appear by counsel?" Prisoner—"No, sir." Court—"Do you desire to appear by counsel? Prisoner—"No, sir." The Court—"this Court is now about proceeding to empannel a grand jury, which will investigate the charges against you of murder, committed on the person of William H. Richardson, and the Court desires to know if you desire to appear by counsel in regard to the proceedings?" Gen. McDougal suggested the prisoner's reply, who said: "I don't wish to appear at all." Gen. McDougal—"I suggest that this reply shall appear literally on the record" The Court then proceeded to empannel the grand jury, and his Honor, Judge Freelon, addressed them as follows: "The object and end of the grand jury is two-fold. First, to sustain the majesty of the law; and secondly, to protect the rights of the citizen. The maxim of the common law was, that no man should suffer the severe penalties of the law without the judgments of twenty-four of his peers—twelve grand jurors to find the bill, and twelve petty jurors to bring in the verdict. This right was wrung from an arbitray monarch, and from unwilling judges, at a time when law was oppression and power was tyranny; it was a concession to human rights, demanded and insisted upon by the free spirit of the whole Anglo-Saxon race." At the conclusion of his address he said, "You are supposed to consist of the wisest and most virtuous citizen; to have the largest stake in the interest of the government, and to be ready, by cool deliberation and earnest action, to meet any exigencies that may arise. The Court has confidence in you. You will not do more than your duty through intimidation of popular feeling; you will not do less through mistaken mercy or misguided sympathy."

At 1 o'clock, Wednesday, Dec. 19, Cora was again brought into Court. Cora's counsel presented a demurrer to the indictment, which Judge Hager overruled. The indictment was then read to Cora, who plead not guilty. The trial was then set for January 3d.

CHAPTER II.

January 3d, 1856—The day had been specially appointed for the trial of Cora. The Court-room was crowded by an eager and excited audience. It was found necessary to station two officers—one at the door, the other at the bar—to guard the entrance of the Court, and keep back the crowd, who were pressing forward in their anxiety to witness the proceedings. The jurors who had been summoned on the venire for the regular December term were required to attend. Thirty-four answered to their names at the opening of the Court in the morning.

The prisoner—Chas. Cora—was seated in a corner of the Court-room, attended closely by an officer. His appearance was much changed since his first introduction at the bar. He looked anxious and troubled, and seemed to take deep interest in the proceedings; so much so, that he appeared scarcely conscious of the curiosity of which he was the object. A change of venire was requested by prisoner's counsel, but was overruled by the Court. Then five minor exceptions were presented, all overruled by the Court. The last objection was the challenge of the petty jury; claiming that the legal number of fifty (50) had not appeared in Court, and that the prisoner could not avail himself of the right of inspection.

To the last technicality the District Attorney replied by moving the Court for an additional venire for as many jurors as were necessary to complete the full requisite of fifty.

The Court allowed the District Attorney to take an order accordingly. After the panel had been so completed, the counsel proceeded to examine the gentlemen summoned as jurors. The examination of the jurors occupied the entire attention of the Court for five days, and not till the ninth could a full twelve be decided upon. The following are the names of those selected: A. F. Forbes, Edward P. Flint, T. D. C. Olmstead, Mathew Joice, William H. Stowell, W. A. Piper, J. M. Easterly, J. W. Eaton, J. J. Haley, Jacob Mayer, C. H. Vail, Aaron Holmes.

On the morning of Jan. 8th, an affidavit was made by Jacob Mayer, charging L. Sokolasky with having attempted to bribe him in favor of the defendant Cora, either to procure a verdict of acquital or prevent the jury from agreeing. An attachment was issued to bring the accused into Court. After the jury had been duly formed the Court instructed the Sheriff upon no circumstances to allow the jury to separate at any time during the trial, not even to visit their families. Evidence was then taken of witnesses who saw the affair, which it is unnecessary to repeat. The physicians, also, give evidence to the effect that the wound was necessarily mortal. An officer testified that Cora had said to him shortly after his arrest, "I have no pistol." The defense desired the opening of the case to be deferred till morning. This was granted. Previous to the examination of witnesses and physicians, Judge Alexander Campbell, of counsel for the state, opened the case up for the prosecution

He mentioned briefly, and in simple words, the main facts and circumstances of the crime, which he left to be established by the witnesses He charged the jury with the responsibility of this action, and defined to them *murder*, in the language of the statute. He concluded his remarks by referring to past crimes and trials, wherein there was no shadow of doubt, but the offender had gone unpunished. He referred to these facts, merely to illustrate the necessity of punishing crime when it was clearly proved, and did not intend that his remarks should apply particularly to the prisoner's case; and he would even caution the jury not to allow their minds to be swayed, by such considerations, in passing upon the prisoner's case.

The next day Gen. McDougal opened up the case to the jury in behalf of the defense. He said that the prisoner asked for no mercy, but only for such rights as were guaranteed to him as a citizen. He said that Gen. Richardson and Cora were perfect strangers till the Friday night preceding the following Saturday, when the killing occurred. He challenged any statements to the contrary. He desired to explain that Richardson was a man of powerful strength, although small in stature; that in physical comparison the prisoner was much the slighter man. That the deceased was quick in quarrel—easily provoked, and prompt in taking action. The prisoner, on the contrary, although born under an Italian sun, was a man of peaceful habits; and no matter how disreputable his profession (gambler), he was a man that had no taste for blood.

Gen. McDougal proceeded to say: That on the friday night referred to, Gen. Richardson in company with some friends, entered the Cosmopolitan saloon, a little past midnight; and that Cora at the time was in the back part of the saloon, playing back-gammon with doctor Mills. Richardson and his friends were, already, somewhat affected by drink, and were about taking a glass of champagne, when Dr. Mills came forward and introduced Cora, who was then invited by Gen Richardson to take a drink, Richardson was excited by liquor, and shortly after walked out onto the sidewalk, accompanied by Cora. Some trifling reference on the part of Cora was displeasing to Richardson, who said: "what is that you say?" "I will slap your face for it." They returned into the Saloon, but friends prevented any difficulty that night. The next day about 4 o'clock Gen. Richardson visited the Cosmopolitan, and inquired for the young man whom he had the difficulty with the previous night. He then started off in search of Cora, and finally found him on Clay street, in company with Mr. Ragsdale. As he passed, Cora remarked, "there goes Gen. Richardson with whom I had a difficulty last night, and he gave me a black look as he passed." Mr. Ragsdale remarked that he knew

Gen. Richardson very well, and that he would make up the quarrel. They then walked down the street and found Richardson, and after some controversy, it appeared that the matter was amicably settled. They then proceeded to Mr. Hayes saloon and drank together, and afterward went together to the Cosmopolitan, and drank again. Gen. Richardson did not appear satisfied. Shortly after, he tapped Cora on the shoulder and urged him to go with him to the corner of Clay street. Cora was anxious to separate, and said that he wanted to go to dinner. Gen. Richardson replied, "I have lost my dinner by this damned thing." Cora became alarmed and asked Gen. Richardson whether it was all settled? Gen. Richardson had Cora by the left arm, walking along the south side of Clay street. Gen. Richardson had on his person a heavy knife, and a derringer pistol. And as they passed along, the sound of something metallic (which was, in fact, the sheath of the knife) was heard falling on the street. The next thing that was observed was Gen. Richardson holding the knife in his uplifted hand—a struggle ensued for the knife—Cora having seized Gen. Richardson by the arm: On finding that his arm was pinned, Gen. Richardson drew his pistol with his other hand, and a scuffle ensued for that, which Cora succeeded in getting from Richardson. (Considering that Richardson was so much the physical superior, as claimed by the honorable attorney, it is rather to be wondered at that Cora succeeded in overcoming the General in both encounters.) Cora then drew his pistol and shot Richardson.

Gen. McDougal said in conclusion, that Gen. Richardson had been hunting Cora all day; that in his conversation with Cora he had constantly kept hand on his pistol; that a knife and pistol belonging to Richardson had been picked up near where he fell, identified by evidence. He would, therefore, on such evidence, demand a verdict of acquittal. Thus closed the address of Gen McDougal.

A host of witnesses were examined and occupied the entire time of the Court from the time of this address, on the 9th of January till the 14th. The evidence taken in the case daily filled a column and a half of the *Alta;* but the bulk of it was very similarly in favor of Cora; and, I think, not sufficiently interesting to entertain the reader. I will only add that most of the evidence corresponded to the description related by Gen. McDougal, wrung out of his own witnesses. However, a few testified, according to report of *Alta*, on the first occurrence of the deed. The reader may deduce his idea from the arguments which follow.

On Monday morning, Jan. 14, the testimony was closed, and Mr. Byrne commenced the argument for the prosecution He began by saying: "that the verdict in this case must be either one of conviction, or else an honorable acquittal of the prisoner." He commented on the evidence of some witnesses, and characterized them as conspirators against the administration of justice. He said that he left it to the common sense of the jury to discover, from the reputation and habits of these witnesses, as related by themselves, that they were brought up for the purpose of clearing Cora, and are entirely unworthy of credit and belief.

"This is a most extraordinary case—a prominent and respected citizen has been ruthlessly murdered in the public streets, and by a man whose character was infamous, and whose profession was that of a gambler. The prisoner has secured eminent and able counsel to defend him, and all that ingenuity or learning could suggest has been brought to bear, to protect him from the vengeance of the law. Bribery of witnesses has been attempted; as appears from testimony. There is one point of the case, however, which should be impressed on the minds of the jury—that is, that if they believe the testimony of Cora's witnesses, they must entirely ignore the witnesses for the prosecution.

The witnesses for the prosecution could have no reason for speaking otherwise than truly; while those for the defense, there is every reason to believe, are influenced by friendship for the prisoner or, what is worse, are perjurers for personal gain. And it is also proper for the jury to consider the avocations and habits in life of these witnesses. Upon the one side we have witnesses unimpeached, whose characters are unassailed; while upon the other, we find them, by their own acknowledgments, to be gamblers and agents for cock-pits."

Mr. Byrne then proceeded to analyze the evidence of the defense, and to show that it was contradictory, manufactured and unworthy of consideration. "There is one circumstance," he continued, "that strikes me as most singular and mysterious. It is alleged that a boy picked up the knife of Gen. Richardson and handed it to one Johnson, who afterwards delivered it to an officer. Now, where is the boy? Where is Johnson?" The *Alta* continues to say, "It is impossible to give anything like the argument of Mr. Byrne, which was exceedingly powerful and eloquent." At the reassembling of the evening session, Gen. McDougal commenced the argument for the defense:

Gentlemen of the Jury:—It has been remarked by Mr. Byrne, in the course of his speech, that it had been found necessary by the defense in this case, to occupy some three days to select a jury. It is true, gentlemen, that such is the fact; but the reason of such caution on our part, has not been so much to obtain a jury favorable only to the prisoner, but, also, to obtain such a jury as would, from their high social position, be satisfactory to the community; and whose verdict might be regarded with satisfaction by the people at large.

I shall now call your attention to some of the occurrences of the night of the 16th of November, and show to you that the same bloodthirstiness which the deceased then exhibited was renewed on the day of his death. If you will recollect, gentlemen, Dr. Poppy testified that he left deceased at 4 o'clock on the day of his death, with the understanding that Richardson was to go immediately home. Did he do that, gentlemen? Instead of doing that, he proceeded directly to the Cosmopolitan Saloon, and inquired of Marsh, the barkeeper, "If the man with whom he had the difficulty last night had been there to-day?" This shows that Richardson had not forgotten his threat to kill Cora, and that he hunted him to put that threat into execution; that he was under the same morbid and bloodthirsty influence as the evening before.

What, gentlemen, is the testimony on this point? His own friends tell you, that when under the influence of wine, he was a dangerous man—prompt to suspect and resent an insult. Gen. Richardson, although he had expressed a regret at the occurrence of the difficulty, and ashamed of its happening, did on the following day, nevertheless, when in a state of debauch, renew that difficulty, and lost his life as the result.

Gen. McDougal, in his further remarks, endeavored to show that Richardson rendered it necessary for Cora to take his life in order to preserve his own:

"Gentlemen, let us reverse the position of the patries: Suppose that Cora had been killed instead of Richardson, would not the community have said: 'Richardson is a man of bravery, of gallantry, and of standing; and that he acted from motives of self preservation?' Why, gentlemen, if such had been the case, Richardson would have been discharged by the first examining magistrate, and his action lauded, approved and recognized by the whole community. So, gentlemen, would end the trial of Richardson; and his fame as a brave man, a gallant man, and an honorable man would be augmented and increased."

Gen. McDougal then condemned the attempt of prosecution to impeach two of his witnesses—Thomas and Glennon.

He continued: "Counsel have laughed at it, sneered at it, and thought it an imposition on the intelligence of the Court; and yet gentleman, they stand unimpeached."

Gen. McDougal concluded in a very strong and forcible appeal to the jury, and cautioned them to disregard the insane clamors of an excited populace.

Col. Baker continues the argument for defense to-morrow, and will be followed by Col. Inge for the prosecution.

Fourth District Court, before Judge Hager, Jan. 15th, '56.—At the opening of the Court this evening Col. Baker continued the argument for the defense by saying: "If the court please, gentlemen of the jury, I sincerely trust you have returned here to-day, a day to be marked with the rendition of a judgment, with the same impartiality which has characterized your action during the whole course of this trial. I feel proud that I have the privilege of addressing such a jury, as you have proved yourselves to be. The unfortunate prisoner feels confidence in you, and will be satisfied with the event of this day and with the result of your deliberations. Gentlemen of the jury, we witness an imposing aspect. In this case, the dignity of the jury, and the zeal of the prosecution, and the carefulness of the defense, command the admiration of every man and every citizen. It is true gentlemen, that the past life of Charles Cora is stained with vice; it is true that his profession is gambling, and his consort a wanton. I do not, nor do I desire to forget these facts, and yet he is entitled to justice. The most degraded criminal in the land, the most abandoned character of the country, is entitled to the same law, and the same justice, as the most wealthy, the most proud, and the most distinquished. Has justice been extended him? Has public opinion awaited trial before it condemned him?

On the contrary, public opinion has howled against him, and the press has concentrated the vials of its wrath upon his furrowed brow. Every act of his life has been reviewed and villified; every movement he has made has been watched by the exasperation of the public; and every indiscretion he ever committed has been exaggerated and misrepresented. And now gentlemen, it is to you, and you alone, the anxious man is to look to for the vindication of his innocence; and to prove how fallible is the outcry of a mob; and how terribly his life and happiness has been trifled with and denounced.

It is, gentlemen, in the stern inflexible truth, that we rely for this defense; and that truth, gentlemen, will be regarded in the formation of your verdict.

It is charged, gentlemen of the jury, that Charles Cora, on the evening of November 17th, wilfully and deliberately assassinated and murdered Wm. H. Richardson, the Marshal of the State of California; that he foully and brutally murdered him. Now it is for you, gentlemen, to show to the world how groundless is the accusation, and how unfounded is the charge. There has been a constant and unwearied attempt, for the purpose of effect, to contrast the life and characted of the deceased with that of the prisoner at the bar; it has been said by counsel, with air of triumph and defiance, that the one was brave, generous and magnanimous; that the other is low, degraded and debased.

It was not our intention, gentlemen, to attack the character of Gen. Richardson; but it was forced upon us, and in self-defense we were compelled to attack his reputation, to sustain that of the prisoner; and what were there relative merits? Doctor McMillan has testified the infamy of deceased, and has proved his nibits and profession to be identical with Cora's. Bad as Cora has been, abandoned as his heart has proved; wicked as has been his course; he yet can find, in adversity and peril, friends ready and willing to testify to his kindness of heart, his peacefulness of temper, and his devoted friendship. These qualities at all times command our admiration and esteem; but when we find them linked with a life of vice, when we find them the attributes of the gambler, and qualities of an otherwise abandoned heart, how forcibly do they remind us that he yet possessed in some degree, the elements of truth, magnanimity, and of an elevated mind. While, therefore, we admit that Cora is bad, we hold it ungenerous to compare him odiously with Richardson. The character of the latter has been proved not only to be bad, but also to be dangerous and desperate in its every nature.

What, gentlemen, was Mr. Taylor's testimony on this point? He tells you that on one occasion he was told by his friends that if it had not been for his coolness, he would twice have lost his life. But it is said that Cora has three counsels; that he is defended by able and ingenious advocates. Did it ever occur to the gentlemen, who bitterly complained of this fact, that the prosecution was sustained by three counsel also; and that these counsel were equally as learned, as able, and ingenious as Cora's? Oh! gentlemen, how uncharitable is the world, and how truly has it been said, that we are apt to discover the faults of others, while we are blind to our own. Having promised thus much, let us look to testimony as given by the witnesses, and draw such conclusions from it as accord with common reason. In the first place, it is said that Cora assassinated Richardson. In reply, we say, Richardson attempted to assassinate Cora. We say that on the evening of his death the deceased was inflamed with liquor; that while under its influence, instead of going home, as he promised Mr. Papy, he went to the Cosmopolitan, and inquired of the barkeeper if "that young man, whom he had the difficulty with, has been here to-day?" Does this look like assassination by Cora; and actuated by the fiend which had caused him to disgrace himself before, was laying his plans to assassinate Cora? Is it not reasonable? Is it not true? It is said he was brave, chivalrous and magnanimous. Is carrying weapons habitually, brave? Is seeking an adversary, chivalrous? Is assassinating him, magnanimous? I appeal to you, gentlemen, if the propositions of counsel are not absurd, ridiculous and foolish? I tell you, gentlemen, that carrying weapons is not brave, and that nine men out of every ten who do so, and are killed in difficulties, deserve the fate, and receive their just reward. California juries, says Mr. Byrne, have won the name of accessories of felons; that the temples of justice have been little less than channels of escape for the criminal of every dye and of every stamp. Now, why does he say so? It is because enlightenment has dwelled within their precinct, and honesty within their halls. It is because humanity and mercy abide there, and because cruelty and prejudice are banished from their portals. These are the reasons why this remark is made, and to them I have made a just reply. The prosecution do not deny that Richardson attempted to kill Cora, or that he went to the Cosmopolitan and asked for him. What did he do that for? What earthly purpose could have prompted such a question, except a desire for vengeance; except bitter malignity and his determined purpose to assault Cora. It is for you, gentlemen, to consider this fact, and to reconcile it, if you can, with the guilt of the prisoner. Mr. Ragsdale has told you, that while standing on Montgomery street with Cora, shortly before the killing, Gen. Richardson appeared, and that Cora remarked: "There is the man with whom I had the difficulty, and as I passed him he gave me a black look; I want to see him to settle it;" that it was settled, and that Cora and Richardson walked towards Clay street, arm in arm. It is a little singular, gentlemen, that Cora, who was anxious to settle, and who had submitted to indignant treatment without a manly effort to dispute it, should assume the manner of a bravado, and manifest towards Richardson the spirit of a lion, within a few feet of the scene of reconciliation. How can this be reconciled with the character of the men? Who believes it? And yet Blanchard has sworn so; has told you that in answer to a question as to "whether it was settled," Cora answered, if a man says so and so, what is he to expect. Is such a statment compatible with reason? Could it have happened, and is it not impossible?

Let us glance at the evidence of Cotting, and of Mrs. King; the first one tells you that Richardson had his hand up, pushing Cora away; while the other testifies that Richardson's hands were firmly pinioned by Cora. Is this consistent? What did he have his hands up for, was he not struggling, and who began it? We say he was, and that Richardson was the aggressor. Again, Willis says the two men were staggering into the door, while Cotting says he was forced in. How are you to reconcile these statements? The truth is, there was a struggle, a combat and a fight. Richardson was endeavoring to kill Cora, and Cora was trying to prevent it. It has also been said that Cora held Richardson up, after he shot him, to rob him of his weapons. What evidence is there of this? Has not Dr. Rowell told you that his hand was bent, as in the act of grasping something? The proposition is mere sophistry; it is absurd and a mere supposition, unsustained by facts, and unfounded in truth. And now we come to the testimony of Thomas and Glennon. Thomas told the truth in substance, and what objections have been made to its truth? 1st, he is a nut pedler; 2d, he has failed in business; 3d, he is not of good character, and lastly, he contradicts himself. In the first place, he is a fruit vender; that is unworthy of Mr. Byrne; he has failed in business, so have a hundred others; 3d, his character is bad. We have proved him to have been an Alderman of Buffalo, and a respected and honorable man; and 4th, he cantradicts himself, in having told a different story at different times, and to different individuals. Is it true? Have we not brought Willis and another witness to sustain his statement, and to prove it to have been identical of the time of the killing, and on the witness stand? And what do they say of Glennon? Why, he too is perjured, say the prosecution, and bought for the purposes of this case. Did he not too, like Thomas, tell the same story on the night of the killing as upon this stand, and have we not proved it? He told, when questioned, that he went to Belle Cora's. If he was lying about one part, why could he not about all? Why didn't he deny ever having been there?. These, gentlemen, are questions to be satisfactorily answered before you reject their statements. Counsel have introduced the prisoner's connection with Belle Cora as a circumstance against him; they charge him with being her paramour, and yet sneer at her friendship for him.

Who, in God's name, gentlemen, should be his friend, if she was not? It ill becomes counsel to indulge in ridicule at his misfortune in not being wedded to her by the sanction of the law, and because she is his friend in adversity, not being so wedded.

Col. Baker dwelt on this subject at great length, and in eloquent language declared his admiration for the woman, who, abandoned by the world, and pointed at in derision, could yet give her all, as freely as water, to redeem him from trouble and danger. His whole speech was pronounced with affecting pathos, and appealed to the sympathies of every man in the crowded Court-room. Want of space will not permit us to follow him further. At the conclusion of his speech Col. Inge addressed the Court.

Speech of Col. Inge:

"May it please the Court, and the gentlemen of the jury, an important duty devolves upon me, in closing the argument for the prosecution. The ample grounds taken by counsel for the defense, would justify me in being equally as discursive; but your worn and jaded countenances admonish me that it would be improper to do so. I shall, therefore, confine my remarks to matters pertinent to the case, and briefly review the grounds assumed on the part of the State. I am not here to eulogize the memory of the dead; that duty has been more appropriately performed at another place; but I cannot do less than bear my slight testimony to the high, elevated, and honorable character of Gen. Richardson. Since 1849 he has occupied positions of honor and trust. Every man in San Francisco, who is cognizant of passing events, will sustain me when I say, that the breath of suspicion has now for the first time soiled his honorable fame. For the first time is the reputation of the deceased assailed; and if a stranger had entered this room one hour ago, he would have supposed your duty here was to listen to libels on the dead. There is scarcely a discrepancy in the testimony to his having magnanimity and worth; he was true in hostility, true in peace, and true in all the relations of life. It is said that he was prompt to resist an insult, and that we claim as to his honor and our pride. But, says the counsel, we should be allowed to investigate specific acts of Richardson, to prove his rash and desperate character. Gentlemen, did we come here for this? We are to investigate murder, and to maintain the laws of our country, and to preserve the lives of the living.

The testimony of Dr. McMillan is the first imputation cast upon his name from amid a thousand friends, and it is hard to say what act of his could justify such testimony. It is important here, gentlemen, to repeat the remark of Mr. Byrne, that we wish an unqualified verdict of acquittal or conviction.

The evidence in this case is clear, unqualified, and convincing in its character, its incidents, and its consistency. On the eve of the 17th of November last, Gen. Richardson was seen to leave the Cosmopolitan, in a state of great ixtoxication, So much so, indeed, that the witness Bates tells you that although he passed him and spoke to him, the deceased never saw, or recognized him in any way. He was seen to go from the Cosmopolitan along Montgomery and down Clay street to the store or Fox and O'Connor, in company with the prisoner at the bar. The acts of all the parties were plainly seen, and when opposite the store of Fox & O'Connor, were closely watched. Capt. Cotting plainly and clearly tells you, that while passing down Clay street his attention was attracted to two men, one of whom had a pistol in his hand; that man he says was Cora. Richardson had no weapon in his hand. The next movement Cotting observed was, the pushing of Richardson by Cora, into the doorway of Fox & O'Connor's store, and the holding of a pistol by the latter to the breast of deceased. He next saw and heard the discharging of a pistol; there were five witnesses to this transaction, all of whom agree in the material facts stated. They all agree that Richardson had no weapon, and that no struggle took place; Richardson was so drunk, as I shall convince you, that he could not resist, The testimony which I related, is all voluntarily offered by the witnesses, without profit and without price. The state has taken no extraordinary means to obtain evidence, our only testimony eminates from honest and intelligent witnesses. It is from such testimony, gentlemen, that I ask you, if you don't believe that Richardson was slain with the most atrocious malice. We rested our case on such testimony, and were willing to abide the issue, But what did the prisoner deo? He introduced a previous difficulty, and endeavored to connect it with the killing. What were the circumstances of that difficulty?

On the evening of the 16th of November, Gen. Richardson, accompanied by V. Turner and F. McKibben, entered the Cosmopolitan Saloon, and was introduced to Charles Cora soon after.

Richardson and Cora had occasion to go out, and in a short time Cora came back somewhat excited, and wished to know if he had any friends there, as a man had threatened to slap his face. Richardson followed closely after him, and repeated the inquiry of Cora as to his having friends there. Even this shows the character of the deceased. Although he had threatened to slap Cora's face, he would not take an unfair advantage of him. Drunk as he was, he exhibited that courage which never deserted him, and which formed a part of his every being. This was the origin of the difficulty which resulted in the murder of Richardson, and it is upon this difficulty that the prisoner relies for his defense. It seems, by the testimony of Gen. Addison, that on the morning following, Gen. Richardson expressed to him his humiliation at the occurrence of such a difficulty, and declared that nothing could compensate him for his loss of self-respect by participating in such an affair.

And yet it is said that Richardson sought to murder Cora. It is evident that Cora regarded the threat of Richardson, to slap his face, as a mortal offense, and one which nothing but blood could wash away. But suppose this was not so; such men as Cora have motives sometimes which actuate them to the commission of desperate deeds. Who knows but what his ambition was to kill a man of high character, and to obtain the reputation of having done so. This is plausible and may be true.

By reference to the evidence we find that at 4 o'clock on the day of his death Richardson was vrey much overcome by wine, and yet in a good natured merry mood. It is contended by counsel, that when Richardson left Papy, at that time he promised to go immediately home, but that instead of doing so he went to the Cosmopolitan saloon and enquired of Marsh "if that young man with whom I had the difficulty has been here to-day," and that this action betrayed Richardson's determination to murder the prisoner.

Now gentlemen, as to this man Marsh. Is not his testimony singular from the beginnning to the end? He says that he occupied a certain position on the evening of the 15th, which Mr. Corbonia says may be possible, but at the same extremely improbable. The rules of the law is that when a man is found testifying improperly in one particular, his whole testimony should be excluded. It is your duty, therefore, to reject his, and so the Court will charge you. Then as to the witness Ragsdale. When he swears as to the interview with Cora and Richardson the night of the killing. He says, that when Richardson mentioned his threat of the previous night, he was very angry, and that he (Ragsdale) told him that if he spoke in that way to him he would tell him to slap his face if he dared. Now gentlemen, if Richardson was irratated sufficiently to talk in that strain, Ragsdale was not the man who would venture to tell him such a thing. He would not have dared to do it, and I leave it to you if it is probable that he did. Ragsdale's testimony was false and so is that of Glennon and Thomas.

We next have Mr. Blanchard as a witness, who relates the conversation between Richardson and Cora, when near the corner of Montgomery and Clay streets. He heard Richardson say: "Is it all satisfactory?" and the reply of Cora, "If a man says so and so, what is he to expect." Does this show Richardson to be laboring under a spirit of malice? Does it not show that Cora was irritated by the previous night's threats, and was anxious for revenge? The testimony of Glennon and Thomas next claims our attention, and there is one fact, casting aside their bad characters which, of itself, stamped the impress of perjury upon them. Passing, as they allege they did, at the time of the kiiling, they both deny their having seen a single witness in the case. The other witnesses saw each other, with the exception of Thomas and Glennon, and this fact alone is damaging to their testimony."

Col. Inge continued in a very impressive strain, and we regret that we cannot give fuller notes of his argument. At the conclusion of his speech, the Court charged the jury most ably, but the charge is so lengthy and discursive that it is impossible to give even a synopsis of it.

The case was then submitted to the jury, who were out all night endeavoring to agree. At ten o'clock the following day they came in for instructions, as to whether the occurrences of the 16th of Nov. should be taken into consideration in forming an estimate of Richardson's character for good or bad. The Court instructed them in the affirmative, and they again retired.

At twenty minutes to twelve o'clock of Jan. 17, the prisoner being present with his counsel, the Court announced that it had received two communications from the jury since the adjournment of the Court yesterday, which are as follows:

No. 1. Hon. the Judge of the Fourth District Court:

"We, the jury in the case of the State *vs.* Charles Cora, after a long and careful investigation of the evidence in the case, differ so widely in opinion that we are forced to the conclusion thats it is a moral impossibility for us to agree to a verdict; and as some of us are suffering severely in health from long confinement, and are fully convinced that no good can result from our longer detention, as we can not agree without doing great violence to our consciences, under our solemn oaths, therefore we respectfully request that you will allow us to go into Court this P. M. to declare the same and receive our discharge. Jury room, January 16, 3 P. M. Signed, W. A. Piper, foreman, and by all the other members of the jury, individually.

Message No. 2: We, the jury in the above mentioned cause, seek to again represent our position in relation thereto. We think that the long time in which we have been separated from our families and business, and that we have now been in deliberation forty-one hours upon the evidence in the case without the possibility of agreeing, together with the fact that several of us are are really suffering in health, from privations unavoidably incident to our situation, and that the business of others is suffering from their absence, warrant us in requesting and expecting our release. We know that we cannot agree, if we are detained here another week, as there are three different opinions, and more than one man to each, and that it is impossible to unite on any verdict without, as already said, violating our consciences and our solemn oaths. Signed as No. 1.

The jury were then brought into Court, and presented a jaded and care-worn appearance. The Court stated to them that it had received the foregoing communications, and in answer to the question, whether their opinions continued as therein mentioned, Mr. Piper, the foreman, replied, that he considered it a moral impossibility for the jury to agree. The Court then thanked them for their services, and informed them of their discharge. It is understood that the jury stood—four for murder, six for manslaughter, and two for acquittal. Another report says—seven for murder, four for manslaughter, and one for acquittal. A more elaborate account will be given in next chapter.

CHAPTER III.

We will now proceed to give several statements, which were obtained from jurymen themselves, relative to the voting in Cora's case. On the first ballot; Forbes, Flint, Easterly, Meyer, Vail, Piper, and Stowell, voting guilty of murder. Haley, Holmes, Olmstead, and Eaton for manslaughter; Stowell afterwards changed to manslaughter, thus we stood when discharged. The second statement also by a juryman, reads: First ballot, for murder 6; manslaughter 4; acquital 2. Second ballot, murder 6; manslaughter 6. Third ballot, murder 7; manslaughter 5. Fourth ballot. murder 8; manslaughter 4. The jury stood at this vote for 24 hours, and also, when they left the jury room, but they agreed to say to outsiders that they stood as they first voted, 6, 4 and 2. The third statement, as vouched for by two jurymen, reads: First ballot, 7 voted guilty, 4 voted not guilty, and one for manslaughter. Second ballot, 7 voted guilty; 2 not guilty, and 3 manslaughter. Third ballot, 5 voted guilty, and seven manslaughter. Fourth ballot, 4 voted guilty, and 8 manslaughter. It is proper to say in relation to this last statement that Mr. Haley assures us, when the first ballot was taken it was simply to see who were in favor of a verdict of murder, and that those who voted against the proposition did not vote for the acquittal of Cora. It was simply to see who were in favor of hanging him. The fourth statement is as follows, also from a juryman: The fourth ballot stood eight for manslaughter and four for murder.

Failing to agree on a verdict of manslaughter, the jury divided into three opinions, as at first; when it became evident that no verdict could be agreed upon.

So the case remains awaiting further action. Cora was remanded to custody of the laws' officers; the people left, impatient at the laws' delay.

The *Alta* of Jan. 17th writes:

> "We have studiously avoided saying anything prejudicial to the case of Cora, while he was undergoing trial for the murder of Gen. Richardson. Our reports were made, from the time the jury was impanneled, with a view of giving the public a correct knowledge of the testimony produced. But now that the trial is over, we feel in duty bound to make a few comments. It has been understood for some time past that criminals having money or friends, could

not be punished in this community. It has been a subject of common remarks that witnesses could be procured to testify to almost anything; that jurie, could be made away with at pleasure. The opinion was expressed very generally, as soon as it was understood that Cora's friends had money, that he would never be punished. It was publicly stated, after the jury had been impanneled in this case, that a conviction would never take place. Indeed, so confident were persons in this respect, that they even pointed out men on the jury who would never consent to a conviction; and bets were offered that such and such men would go for acquittal. We believed these statements at the time, notwithstanding the outcries of the counsel for the defense, in relation to prejudices created by the press; and they have turned out precisely as stated. The truth is, the public has been grossly abused. The farce of a trial has been gone through, but the case was decided the moment a jury was empanneled. Men were placed upon that jury who should never have been there. They went upon it in order to defect the ends of justice—in other words, to "tie" the jury. This they effectually did.

It is not pleasant for us to comment upon the depravity which has been brought to light in the trial. It is not very agreeable to state that the conviction is almost universal, that crime cannot be punished in San Francisco. But it is, nevertheless, a duty which we owe to the public community, as journalists, to put the people upon their guard. It is well for every man to understand, that life is here to be protected at the muzzle of the pistol. The best man in San Francisco may be shot down to-morrow, by some ruffian who does not like what he has said or done; yet the chances are a hundred to one that ruffian will escape punishment. He may go through the farce of a trial, but nothing more.

Now what is to be the end of this? Things will probably go on until a few more murders have been committed. The offscourings of society—men who live about houses of prostitution—will become so emboldened, that murders will greatly increase. Crime will become so frequent, that it cannot be longer endured. Then will come lynch law—then men even suspected of crime will be hung. People may lament such a state of things as we have figured; yet it is plain that reformation must be had, or it will come. For people cannot long live here, as things are now running. No man's life is safe, in our opinion, for a single moment."

Crime in California—An article under this head was copied Jan. 18th, '56, by the S. F. "Alta" from the New York "Express:"

Assassinations, murders, and hangings constitute the leading materials of the budget of news in San Francisco. First, we are told that Gen. W. H. Richardson, U. S. Marshal for the Northern District of California, was basely assassinated in the streets of San Francisco, on the evening of 17th inst., by a desperado named Charles Cora. Then, that Hon. Isaac B. Wall, collector of the port of Monterey, and T. S. Williamson, an officer of the County of Monterey, were murdered on the 10th inst. Next, that Lieut. A. MacRae, commanding the U. S. schooner "Ewing," committed suicide. Then we have duels and robbery cases innumerable. The papers devote large space to the particulars of these horrors, showing a state of things especially in San Francisco, which carries one back to the days of Vigilance.

The provocation to hang the murderer of Gen. Richardson was very strong, but the good sense of the better portion of the people overcame the passion of the moment, and induced them to await the proper judicial tribunal. It is surprising to see with what a matter-of-fact, business-like way, the California editors post the books of their criminal calendar. Here, for instance, is a recapitulation of the statistics of killings and hangings from the 1st of January last to date, (placed in connection with regular market reports, along with the statement of specie, shipments, and sales of bacon, cheese, etc.):

	1st Quar.	2d Quar.	3d	Oct.	Total.
Total killed............	120	99	208	62	489
Hung by Sheriff........	2	—	2	2	6
Hung by Mob........	8	14	18	6	46

Horrible! Horrible! Total killed in ten months only, 489; hung, 52. Kentucky must give up the name of "dark and bloody ground," which is simply a traditional Indian nomenclature—while here is as ghastly reality in California.

The reader must be content to omit the criminal calendar for the next few months, during which time there were no very startling deeds committed in this city Crime had been held in awe, abated it was hoped by the general feeling of resentment evinced at the slaughter of Gen. Richardson. This was, however, restrained by a deep feeling of respect and interest for the laws and welfare of the community, by men who hesitated lest they might usurp the bar of justice, and who patiently awaited its result. But although the time from January till May had expired, Cora had not been brought to trial again, and probably would have remained much longer ere a second or third jury had released him, had not the citizens been brought to their feet by a similar but more audacious crime. We copy from the San Francisco *Alta*, May 15, 1856:

"The city was thrown into tremendous excitement yesterday afternoon, by an attempt to assassinate James King, editor of the *Evening Bulletin*, by James P. Casey, editor of the *Sunday Times*. It appears that a communication appeared in the *Sunday Times*, on Sunday morning last, over an anonymous signature, which reflected upon the character of Mr. King and his brother; the latter being an attache of the Custom House. It charged upon James King that he had avoided to censure Collector Latham, for his official conduct, in consequence of his brother being an appointee of that officer; and that the brother was an applicant for the position of U. S. Marshal, to fill the vacancy of Gen. Richardson; that his failure to obtain it was the reason Mr. King had so violently opposed the appointment of McDuffie. The substance of this was denied by Mr. King and his friends, but nothing concerning the matter was published until yesterday's *Bulletin*, in which the following appeared:

Among the names mentioned by 'A Purifier,' in his communication of Friday last, as objectionable appointments of the Custom House, was that of Mr. Bagley, who has since called on us, and by whose request we have made more particular inquiries into the charges made against him. On Monday we told Mr. Bagley that we could not feel justified in withdrawing the general charge against him; for though in the particular cases mentioned we had not been satisfied that he was a party at fault, yet the general character we had heard was against him. To this Mr. Bagley urged that our informants were all enemies to him, which, in one sense of the word, is true, though they are not the persons he supposes them to be. At our last interview with Mr. Bagley we told him that if he could bring some respectable persons, known to us, who would vouch for him, and explain away what has been told to us we would take pleasure in saying as much in our paper. Several such have called on us, but whilst they were unanimous in saying that Mr. Bagley behaves himself very well at present, yet, when we ask them, for instance about the fight with Casey, they cannot explain satisfactorily. Our impression at that time was, that in the Casey fight, Bagley was the aggressor.

It does not matter how bad a man Casey has been, nor how much benefit it might be to the public to have him out of the way, we cannot accord to any one citizen the right to kill him, or even beat him, without justifiable personal provocation."

The fact that Casey has been an inmate of Sing Sing prison in New York, is no offense against the laws of this State; nor is the fact of his having stuffed himself through the ballot-box, as elected to the Board of Supervisors, from a district where it is said he was not even a candidate, any justification why Mr. Bagley should shoot Casey; however richly the latter may deserve having his neck stretched for such fraud on the people.

These are acts against the public good, not against Mr. Bagley in particular; and however much we may detest Mr. Casey's former character, or be convinced of the shallowness of his promises to reform, we cannot justify the assumption by Mr. Bagley to take upon himself the redressing of these wrongs.

This case of Bagley's has caused us much anxiety, and we should have been pleased to have withdrawn, cheerfully, his name from the list alluded to, but we cannot conscientiously do more than express our gratification at the assurances we get of his present conduct, in which we trust he will persevere. As to the Casey fight, we suggest to Mr. Bagley, if he can explain that away, it would not be amiss to do so, and he can have the use of our columns for that purpose.

This article so provoked Casey in the hatred he already bore King, that he sought to take his life.

Particulars of the assault in San Francisco *Alta*, May 15th:

About five o'clock yesterday evening, Casey and King met near the corner of Washington and Montgomery streets, Casey drew a revolver and shot King through the left breast, near the arm pit.

Mr. King exclaimed "I am shot!" and ran into the express office. He was supported by some friends who surrounded him.

General Estell, who was an eye witness, says: That Mr. King did not draw any weapon; but was met in the middle of the street by Casey, who said to him, "Are you armed?" to which Mr. King made no reply, but looked him in the face. Casey then threw off his cloak, and presented a large navy revolver, saying: "Draw and defend yourself," at the same time taking deliberate aim, he fired. He then cocked his revolver again, but seeing his opponent stagger, did not attempt a second shot.

From the *Chronicle* we have the following: When crossing Washington street, toward the Pacific Express Co's office, and near the middle of the street James P. Casey, editor of the *Sunday Times*, who was standing in front of the Express office, stepped toward King, and called to him, "Draw and defend yourself!" King advanced toward Casey, but without making any motion to draw a weapon. Casey threw off his cloak, presented a navy-revolver at King's breast and fired. The two were then about six feet apart. King put his right hand to his left breast and said—"I am shot"—and staggered into the Express office.

The account as given by the *Sun*. "One well founded report is, that upon the issue of the *Bulletin* yesterday afternoon, containing an editorial article reflecting on some matters connected with the early life of Chas. P. Casey, he called upon Mr. King and enquired why he placed before the public matters which he (Casey) had been endeavoring to forget; whereupon, Mr. King asked him if that was all he had to say, and either motioned or thrust him from the office. That on meeting King afterwards, in front of the Pacific Express Co.'s office, Casey asked him if he was the author of the article in the *Bulletin*? to which King answered in the affirmative. Casey then said: "I am going to shoot you," are you armed? to which king replied, yes. Whereupon Casey drew his pistol and shot King. Another account (from the *Sun*) says: that Casey only said on meeting King, I am going to shoot you, prepare yourself—and immediately fired.

The *Bulletin* gives the following statement as coming from Mr. King himself.

At a few minutes before five o'clock Mr. King left his office, as usual, for dinner. He walked on the pavement in front of Montgomery Block, going northward. At the Bank exchange he crossed the street diagonally towards the Pacific Express Co.'s office. Casey, who had been previously observed walking on the west side of Montgomery street, opposite Montgomery Block, as if watching for King's appearance, was at this time on the pavement in front of the Express office. He was observed to step into the street as King crossed, and, suddenly throwing off a short cloak which he wore, presented a revolver at King's person, when he and King were only a few feet apart, and fired. The morning papers differ somewhat in their accounts of this attack. One asserting that Casey said: "Draw and defend yourself." Another, that Casey said: "Are you armed"—I am going to shoot you—at the same time firing. King did not hear any such words, nor had he the least notice to defend himself. He heard a noise like a person crying "Come on," or something like that, and at the very instant, saw a pistol pointed at his breast, which was fired. The "Come on," and the firing were as closely simultaneous as could be. Mr. King, in the anticipation of death, has made this statement to the proprietors of the paper, and to the friends around his bedside.

Among the talented physicians who attended him were Doctors Gray, Cole, Harris, Nuthall and Hammond, who did everything that skill and practice could suggest. He was made as comfortable as possible within the Express Co.'s office. His wife arrived at his bedside about 7 o'clock, and aided in alleviating his sufferings. Such was the desire to get to the building where he was lying, that it was found necessary to extend ropes across the street the width of the block, and all passage was cut off. The peace loving, upright people of San Francisco recognized Mr. King as their friend, they loved him for his good qualities; and thus sympathy was manifested in their desire to be near him in affliction. It was estimated that not less than ten thousand persons were congregated about the building where Mr. King was lying, during 7 and 8 o'clock P. M.

The arrest of Casey. When Casey attempted to cock his pistol, after shooting Mr. King, a man caught hold of him and said to him "give up your arms;" this, Casey refused to do, and showed fight. Several officers about that time approached, when Casey remarked, "I will go with them, but they must not take away my arms. I am not going to be hung." He was quickly run off to the Station house and locked up The street by this time was filled with a wildly excited populace. Running in every direction, crying "where is he?" hang him! "run him up to the first lamp post." It soon became known to the masses that Casey was at the Station-house, and a rush was made by the crowd toward the City Hall, with cries of "hang the son of a b—h," "take him out," "he will get clear if the officers keep him." The crowd separated, about one half going up Merchant, and the other going up Washington streets, to the Station-house, which they found strongly guarded and barricaded by officers; the outside iron doors leading to the halls were firmly closed Being repulsed by the officers at this point, and in the absence of any organization, after uttering curses and imprecations on the officers for protecting the prisoner, the crowd again dispersed and repaired to the corner where the shooting occurred, to learn more of the particulars, and to counsel with others who were assembling.

The various streets all about the fatal corner were now completely filled with people, all of whom seemed to imbibe the excitement almost to frenzy. Crowds of anxious friends were seeking admission to the Pacific Express office, to learn the extent of the injuries to Mr. King, while shouts of "let us organize and hang him!" "hang all the gamblers!"—filled the air.

The officers finding that greater safety might be obtained over the person of the prisoner in the County Jail, undertook his removal. During the return of the crowd to the corner of Montgomery and Washington Streets, several attempts were made to get Casey out by the sheriffs and police officers; but the appearance of the large crowd frustrated their scheme. After a little maneeuvering, however, a mysterious carriage was obsesved standing in Washington Street, at Dunbar Alley, which leads into the rear portion of the City Hall and Station House.

The prisoner shortly after came out, supported by Marshal North on one side, and Charles P. Duane on the other, and a large posse of deputy Sheriffs and policemen in attendance. The carriage was driven up to Kearny street, by the authority of the officers, and the prisoner and attendants followed. As soon as the crowd below saw this movement, another rush was made up Washington Street, with cries and yells as before. Being hotly pursued by the throng, the officers deemed it prudent to enter the carriage, which was stopped on Kearny Street, and the prisoner, who held in each hand a revolver, was thrust into the carriage with several officers, and was driven off with great speed to the County Jail on Broadway, the people following by every avenue that led in that direction. Having the advantage of a team, the officers were able to get the prisoner safely locked up before any considerable number could reach the spot. But, soon the multitude came up, streaming through all the thoroughfares that led to that section, and in less than five minutes the broad extent in front of the jail was one solid mass of living humanity. A large body of officers stationed themselves in front of the jail, upon a high bluff that rises above the street, and warned the crowd not to approach. Marshal North stood in the center, at the head of the steps leading up to the bluff, and was supported on each side by a strong force of police officers and deputy sheriffs. Many among the crowd were loud in calling for summary puishment, and expresed a readiness to lead in an assault upon the jail, and bring out the prisoner. When these propositions were made they were generally received with shouts of "good!"—"thats it!"—"let us take the jail!" etc. The excitement seemed to increase every moment, and scarcely anyone was observed that did not enter into the wild enthusiasm that prevailed the masses, who seemed determined upon revenge.

When the excitement was at its highest pitch, Mr. Thomas

King, brother of James King, appeared upon the ground and desired to mount the bluff where the officers were standing, to address the crowd, but was prevented by the officers, and at the suggestion of some of those who wanted to hear him, he went across the street, got upon a balcony of a two story building, and addressed the crowd as follows: "Gentleman and fellow citizens,"—I have but little to say about this matter. My opinion of it is, that it is a cool, premeditated murder; perpetrated by the hand of a d—d Sing Sing convict, and by a plan of the gamblers of San Francisco. This difficulty has grown out of a vile slander, an infamous lie, that was published in the Sunday *Times*, of Sunday last. I called upon Mr. Casey several times, to obtain the name of the author, but he has lied to me so many times that I found it impossible to get any truth out of him, and he finally told me that he would assume the responsibility of the publication, and asked me what I was going to do about it. I told him that I would have nothing to do with a man of his character; that I expected to find a responsible man of some standing in the community. He then agreed to publish a card in the *Herald*, retracting the statement, but this he lied about. I met him two or three times to-day, but he did not dare say a word to me, he avoided me on the street, evidently feeling that he deserved chastisement. He went into the office of my brother to day, and was told to go away. About an hour ago I was at the old Natch's pistol gallery, and he told me that my brother was to be shot. If he knew it did not the gamblers know it? and was it not a premeditated plan; and that by the gamblers of this city? Why did not the officers know it and interfere?—Gentlemen, we have got to take that jail, and to do so we must kill those officers, if they do not give way to us; and we must hang that fellow up." (Tremendous cheering by the listeners). At this stage officer Nugent came down from the bluff and started through the crowd, toward where King was standing, as many thought to arrest Mr. King; he was, however, prevented by the crowd from getting near Mr. King, and was compelled to retire to his stand, amid the shouts and hisses of those in the street. Marshal North gave orders to his men not to make any reply to whatever might be said by the crowd. Mr. King came down into the street, and after great persuasion, entered a carriage, prepared by his friends, which was driven down town.

ARRIVAL OF THE MILITARY.

It had been rumored that a large force was organizing in the lower part of the city, to come up and make an assault upon the jail, and presently a row of bayonets was seen to turn the corner of Dupont street; the people, supposing them to be allies, yelled and cheered in a tremendous manner; but, as they approached, it seemed they were a company of volunteer soldiery, with a few of our military in city zen's dress, and then the cheering was turned into hisses and groans.

The company, which consisted of about twenty persons, under command of Lieut. Reese, all mounted the bluff in front of the prison; some of them went up to the roof of the building, and all were drawn up in battle array. To this the crowd howled, groaned and uttered imprecations upon the heads of those who would interfere with the administration of punishment to the culprit.

The streets, as far as the eye could reach, seemed to be filled with people, either rushing to the scene, or hurrying away on some errand connected with the affair. Every building in the vicinity was alive with humanity, and the whole presented one of the most thrilling and exciting scenes we have ever witnessed. exceeding anything which transpired during the old Vigilance Commitee times. Occasionally some enthusiastic person would be seen with his uplifted hands in the crowd, earnestly explaining to those around that now was the time for action, and that he was ready to lead. These addresses were followed by bursts of applause and loud cheering; so every minute only tended to kindly the flame of excitement.

ARRIVAL OF THE MAYOR.

About half past six o'clock, his Honor, Mayor Van Ness, appeared at the jail, and after a little conversation with the Sheriff and Marshal, he stepped forward in front of the jail, removed his hat, and, after quiet was restored, proceeded to say:

Gentlemen:—"I desire to say to you that you are here creating an excitement which may lead to some occurrences this night which will require years to wipe out. You are now laboring under great excitement. and I advise you to quietly disperse, and I can assure you that the prisoner is in safe custody. Let the law have its course, and justice will be done. (Many voices: "Look at the case of poor Richardson? How is it in his case? Where is Cora now? Down on such justice! Let us hang him!" The tumult was too much for his Honor, and he retired, leaving them to vent their feelings as best suited their tastes. Two or three persons who were the most officious in exciting the people, were secured by the officers and placed within the jail. Officer Nugent, in attempting to make an arrest, had his skull fractured by a brick-bat The military and other officers, besides a large volunteer force were continually gathering at the jail until 10 o'clock, P. M. At that time, about three hundred men were in attendance, to guard the prisoner. Several officers of the city and of the Federal government, and other influential men, were in consultation at the Mayor's office till a late hour, and all agreed that the most advisable step was to send up sufficient military force to clear the street in front of the jail, and keep it so during the night.

CONDITION OF MR. KING.

At ten o'clock, Mr. King was resting quietly; the bleeding had ceased, and his physicians had hopes for his recovery. The wound, as stated before, was in the left breast. The ball, it seems, did not enter the chest, but passed upwards underneath the clavicle, and out at the back portion of the shoulder. In its passage it cut a large artery, which had caused great bleeding. At eleven o'clock, Mr. King was sleeping quietly, and had a tolerable good pulse. The operation of taking up the artery had not yet been attempted.

We learn that some of the members of the old Vigilantes assembled at the Pioneer club room; and afterwards adjourned to the store of Messrs. G B. Post & Co., measures were taken to reorganize the old committee. Little was done, however, except to counsel moderation and coolness. previous to uniting in determined action.

A committee consisting of F. Macondray, J. C. Palmer and John Sime, visited the jail at about 11 o'clock, and reported to the people that there need be no apprehension about the safety of the prisoner, as he was securely locked in the jail.

MOVEMENTS OF THE MILITARY.

At half-past eleven, the mounted battalion under the command of Major Rowell, consisting of the California Guards, Lieut. Curtis commanding, First Light Dragoons, Capt. Reed, and National Lancers, Capt. Hayes, were drawn up on Kearny street, and after taking ammunition, etc., proceeded to the jail, to stand guard through the night. There seemed to be a determination on the part of the authorities to keep the person of Casey, at all hazards. At 1 o'clock everything was quiet in the vicinity of the jail, and nearly all the people had dispersed. The building was strongly guarded by the infantry, and the mounted battalion was in the immediate neighborhood, and ready, at a moments warning, to repel any assault. There seemed to be an impression. that an attempt would be made during the night to break open the jail, and the officers were instructed to keep the most vigilant guard. M. King awoke at this hour. appearing refreshed, and said he felt better. His pulse was stronger which gave the physcians more hope. He soon fell asleep and rested quietly A strong body of policemen were stationed about the building, to prevent the approach of thousands, who were anxious to know every moment what the prospects of life were. At three o'clock the citizens had all disappeared, and the military had undisputed possession of the field. At this hour Mr. King was resting quietly; his wife by his side, who had never for a moment deserted him.

This is all the news we have of the eventful night of May 14th.

From a German paper of the next morning, the S. F. *Journal*, we translate the following:

"The general feeling prevailing amongst our population is, that the life of no individual is secure in this country. The bitterness of their feelings proves that the people feel the shame which is inflicted upon them from being members of such a community. The sad and disgraceful catastrophe of last evening, which is enough to arouse the most calm, and law abiding population, has not brought them yet to action of chastisement; which is proof sufficient that we are fit only to be invaded by a horde of vandals and murderers, to whom we submit without resistance. Violence against the established laws, are well worth to be considered beforehand; but when corruption and mortification has invaded the limbs, must we not cut them clean off, to save the rest of the body? Our population is in a regular state of revolution against the useless established laws, and if a speedy execution of them was ever justifiable, it was yesterday evening. Though we cannot conceal from ourselves that depravity has made such inroads among us, that the stiring up of a proper spirit to redress wrong seems to be an impossibility. Idle inquisitiveness, instead of active determination, boasting noise and woman's wailings, have usurped the place of our former energy—And where the gallows ought to stand, idle babblers, and speech makers are trying to extort from equally idle listeners, a hypocritical cry of courage! With sorrow we state that the 15th of May will shine on Casey alive. The people of this city remember only distinctly the Vigilance Committee of 1851. But the bold spirit of those men has left us, and instead we have only submission to murder—We do not doubt for a moment that this morning the servile press will flatter, and offer incense to the law-abiding people. But we have been behind the screen, we have seen through the dark veil, the dim visage of cowardliness; that cowardliness which springs up from mean and corrupted appetites, and which protects the assassin for its own defense. We do not hesitate to freely confess, that San Francisco, by her inertia this day, has put the seal of everlasting shame on herself; and that she deserves to bear and suffer all the consequences arising therefrom. She has identified herself with murderers. There remains yet, however, the slightest hope that the few hours of the night which separate us from the rising sun, will be sufficient to prove to us that we are mistaken in our judgment of the matter. We should like to have it so, and with pleasure would we retract what we have said above. The acknowledgement of this error would afford us one of the happiest moments we have ever experienced in the city.

We cannot but think that the editor is a little too enthusiastic in in this article; at least, that "the pot" allows too much steam to escape.

Mr. King was removed on a litter, at an early hour on the morning after the shooting, to Montgomery block; where he received all manner of attention, and all the comforts that a host of kind friends could supply.

There seemed to be a difference of opinion with the physicians; some appeared very hopful of his recovery, while others had serious apprehensions. It was decided that the operation of taking up the artery would only be attempted as a last resort.

The excitement of the night was continued throughout the following day. The shooting down of one of the best citizens, in broad daylight, in one of the principal streets, justly aroused the better people with indignation, and a determination to redress their wrong.

In accordance with the published call of the Vigilance Committee, its members assembled at an early hour on the morning after the night of the shooting, at 105½ Sacramento street, in the old lodge room of the American party; where they organized anew under the following constitution.

Constitution of the Committee of Vigilants of San Francisco, Adopted May 15th 1856.

Whereas, it has become apparent to the citizens of San Francisco that there is no security for life and property, either under the regulations of society, as it at present exists, or under the laws as now administered; and that by the association together of bad characters, our ballot boxes have been stolen and others substituted, or stuffed with votes that were not polled, and thereby our elections nullified, our dearest rights violated, and no other method left by which the will of the people can be manifested; therefore, the citizens whose names are hereunto attached, do unite themselves into an association for maintenance of peace and good order of society—the preservation of our lives and property, and to insure that our ballot boxes shall hereafter express the actual and unforged will of the majority of our citizens; and we do bind ourselves, each unto the other, by a solemn oath, to do and perform every just and lawful act for the maintenance of law and order, and to sustain the laws when faithfully and properly administered; but we are determined that no thief, burglar, incendiary, assassin, ballot-box stuffer, or other disturbers of the peace, shall escape punishment, either by the quibbles of the law, the insecurity of prisons, the carelessness or corruption of police, or a laxity of those who pretend to administer justice; and to secure the objects of this association, we do hereby agree:

1st. That the name and style of this association shall be the Committee of Vigilance, for the protection of the ballot-box, the lives, liberty and property of the citizens and residents of the City of San Francisco.

2d. That there shall be rooms for the deliberations of the Committee, at which there shall be some one or more members of the Committee appointed for that purpose, in constant attendance at all hours of the day and night, to receive the report of any member of the association, or of any other person or persons, of any act of violence done to the person or property of any citizen of San Francisco; and if, in the judgment of the member or members of the Committee present, it be such an act as justifies or demands the interference of this Committee, either in aiding in the execution of the laws, or the prompt and summary punishment of the offender, the Committee shall be at once assembled for the purpose of taking such action as the majority of them, when assembled, shall determine upon.

3d. That it shall be the duty of any member or members of the Committee on duty at the committee rooms, whenever a general assemblage of the Committee be deemed necessary, to cause a call to be made, in such a manner as shall be found advisable.

4th. That whereas, an Executive Committee, has been chosen by the General Committee, it shall be the duty of said Executive Committee to deliberate and act upon all important questions, and decide upon the measures necessary to carry out the objects for which this association was formed.

5th. That whereas, this Committee has been organized into sub-divisions, the Executive Committee shall have the power to call, when they shall so determine, upon a board of delegates, to consist of three representatives from each division, to confer with them upon matters of vital importance.

6th. That all matters of detail and government shall be embraced in a code of By-Laws.

7th. That the action of this body shall be entirely and vigorously free from all consideration of, or participation in the merits or demerits, or opinion or acts, of any and all sects, political parties, or sectional divisions in the community; and every class of orderly citizens, of whatever sect, party, or nativity, may become members of this body. No discussion of political, sectional, or sectarian subjects shall be allowed in the rooms of the association.

8th. That no person, accused before this body, shall be punished, until after fair and impartial trial and conviction.

9th. That whenever the General Committee have assembled for deliberation, the decision of the majority, upon any question that may be submitted to them by the Executive Committee, shall be binding upon the whole; provided nevertheless, that when the delegates are deliberating upon the punishment to be awarded to any criminals, no vote inflicting the death penalty shall be binding, unless passed by two-thirds of those present and entitled to vote.

10th. That all good citizens shall be eligible for admission to this body, under such regulations as may be prescribed by a committee on qualifications; and if any unworthy persons gain admission, they shall on due proof be expelled; and believing ourselves to be executors of the will of the majority of our citizens, we do pledge our sacred honor, to defend and sustain each other in carrying out the determined action of this committee, at the hazard of our lives and our fortunes.

The doors of the Committee Rooms were then thrown open for new initiates, provided they came well endorsed, as to character, by well known, respectable citizens. Those who gained admission were compelled to pass an ordeal of the guards of the Committee, one of whom was stationed at the foot of the stairs, another at the head of them, and a third at the entrance to the rooms. The greatest precaution was observed, to prevent any improper person gaining admission.

CHAPTER IV.

Over a thousand names were added to the list, by persons who took obligations to abide the decision of the majority; and they were men of weight, character and influence, that could not be easily put down in the community. There was but little excitement in any other portion of the city during the day; but all the streets presented an animated appearance, by squads of people engaged in discussing the events of the past twenty-four hours. Both battalions of the military declined to act as further guard of the jail. They disbanded and resumed citizens' dress. The first response of the military when called upon by the mayor was but feeble, only a few of each company coming out; those who did so, came very reluctantly, feeling that they were acting contrary to the wishes of nine-tenths of their fellow citizens. They very cheerfully retired from the field of action.

THE FEELING AMONG ALL CLASSES.

Mrs. Huchinson, who kept a boarding house near the jail, was applied to on Wednesday night, by some of the officers who wished to occupy a portion of her house with some of the soldiers for guarding the jail. The lady replied that none of her premises could be used for such a purpose. The officers looked for other quarters.

Telegraphic dispatches were received from Sacramento and other interior towns. Stating that mass meetings had been held, and resolutions adopted endorsing, and offering assistance to the Vigilantes. At the approach of evening the excitement rather increased than otherwise, and the principal cause appeared to be that an attack was anticipated upon the jail by the Vigilance Committee. The Vigilance Committee met in the evening at Turn-Verein Hall, where there was a great rush of those who sympathized with this movement.

MR. KING AT 11 O'CLOCK P. M.

Dr. Cole stated that Mr. King was positively out of immediate danger, and if death resulted at all, it would probably not occur for several days. Mr. King was at this hour sleeping soundly, and apparently free from pain.

CANNONS FROM THE STEAMERS.

At twelve o'clock Wednesday night, about one hundred men went down to Pacific wharf, boarded the Goliah and Sea Bird, and took a cannon from each vessel, to be used in defending the jail. In view of the public demonstrations by the people, fearing that an attempt would be made to rescue the prisoner, Mayor Van Ness applied to the commander of a Revenue Cutter in the harbor, to receive Casey on board for greater protection, but the request was denied, as the officers did not fancy the character of the guest sought to be thrust upon them.

One o'clock P. M. No change in the condition of Mr. King. He was passing the night as easily as his friends could expect. Mrs. King is still at his bedside, although her delicate health would almost render such fatigue impossible under other circumstances.

At three o'clock the various Committee meetings had adjourned. The idea of doing anything hastily by the people had been abandoned, and the sober thought had convinced good citizens to await further developments.

The next morning (Friday) the Vigilance Committee rooms were open at an early hour, and the facilities for admitting applicants were not near sufficient to the numbers who wished to attach themselves to the association. Every hour added strength to the movement. At ten o'clock Mr. King was reported to be somewhat improved. This intelligence was received with great manifestations of delight by the citizens; but at twelve o'clock they were again saddened, reports coming that the symptoms were not quite so favorable. The physicians believed, however, there was no cause for serious alarm. The attendance at the Headquarters of the Committee rooms was continually increasing.

MOVEMENT OF OUR FRENCH CITIZENS.

Our French soldiers held a meeting Thursday, and passed resolutions to aid the people in this movement. They notified the Vigilance Committee that they would hold themselves in readiness to act in concert with whatever might be determined upon by the Executive Committee.

The military having declined to respond to the call of the authorities to protect the jail, a large number of guns were taken to the jail, by the Sheriff, and he was compelled to rely upon his deputies, and such volunteers as were disposed to aid in the defense of the prisoner. There was no excitement about the jail, but a constant watch was kept up by a deputation of the Vigilance Committee, to see that Casey was not removed from the prison in disguise. There never was manifested such deep and abiding conviction in the public mind to redress its wrongs as was at this time exhibited in San Francisco.

At one o'clock the wound of Mr. King was subjected to examination, and it was reported that his condition was really critical. At this announcement the most intense anxiety existed, and the avenue leading to the room of the wounded man was thronged by persons anxious to hear each symptom. At two o'clock Mr. King was still failing and serious apprehensions were felt for his safety. This intelligence enhanced the existing excitement.

The *Alta* of the same day we copy—There was much apprehension felt on the part of the officers yerterday. About 2 o'clock in the afternoon various deputies of Sheriff Scannell were observed to be very active in serving the following official document upon as many citizens as they could get to read it, or listen to its reading.

STATE OF CALIFORNIA. }
County of San Francisco }

To——, a male inhabitant of said county, and above 15 years of age: whereas, I have good reason to believe that a serious breach of the peace and riot are to be apprehended, and that an organized attempt will be made, violently to wrest from my custody a prisoner committed to my charge for safe keeping: Now, therefore, by virtue of authority in me vested, and in the discharge of my duty as sheriff of the county of San Francisco, you are hereby commanded to be and appear at half past three o'clock P. M. this 16 day of May 1856, at the 4th District Court Room, in the City Hall, in the city of San Francisco, to aid me in the execution of my official duties and premises.

Dated San Francisco, May 16, 1856.

DAVID SCANNELL.
Sheriff of City and County of San Francisco.

At the appointed hour the Court room was tolerably well filled, by persons who responded to this summons, and some who were attracted by curiosity. The meeting was called to order, and about one hundred names were called over by Deputy Harrison, of persons who had been summoned, about fifty of whom answered. Among whom we noticed a large majority of Attorneys at Law. Among those who were summoned but declined to act, we notice Messrs. Robert Hearth, F. M. Pixley, G. Frank Smith, Fred Billings, W. A. Piper and Alfred Rix.

After having determined those who were willing to serve, the Sheriff issued an order to those detailed, commanding them to repair immediately to the jail, they accordingly placed themselves at the Sheriff's command. Altogether, there were about one hundred men in and about the building, and they were well supplied with arms and ammunition; as most of the accoutrements of the Infantry Companies had been deposited in the jail, for the use of the officers. Sentinels were continually pacing back and forth upon the walls of the prison, with musket at the shoulder, and others were stationed around on the ground.

Casey the prisoner, was closely confined in his cell, and appeared much alarmed at the outside demonstrations. He began to feel quite insecure, even with all the display for his protection. Two or three hundred people were continually hanging about the prison. Capt. W. T. Sherman had been appointed Brigadier-General of this division in place of W. R. Gorham, and was at this time in command of all the military forces. The support rendered the Sheriff by the military was very meagre; these companies understood that they were organized for the protection of the lives and interests of the people, and it would be difficult to get them to act otherwise. Large delegations, also, from Sacremento, Marysville, Nevada, Placervill, Folsom, and other places, came down to San Francisco regenerated.

At this stage, his Excellency, Governor Johnson, came down to the city, to be of what service he could in alleviating matters. He was immediately waited upon by members of the Committe, and induced to join them in a request to the Sheriff to allow a safety guard to to be placed within the jail. The request was granted without hesitation, and a committee of twenty-five was stationed at the jail, who were relieved every few hours. The number at this time enrolled on the Committee list was about two thousand, and many others were anxious to join. The reason of Governor Johnson's compliance with the wishes of the Committee is explained as follows: After arriving at the city, he held a consultation with his friends, who decided that it would be foolish and unwise to call out for troops, to try to suppress the Vigilantes; so the Governor finally agreed to support their application to place an armed guard of twenty-five within the jail, to prevent the prisoner from escaping, with the understanding, however, that in the event that the Committee should resolve to take the prisoner from custody, that the guard should be withdrawn before any measures were taken. The Committee were all the while preparing themselves for any emergency, with arms and ammunition. Every gun-smith shop in town was overrun with applicants for arms, and the supply was not equal to the demand. The unfavorable symptoms of Mr. King on Friday, were succeeded by those equally as flattering on the following day, which gave hopes for his recovery. At 12 o'clock Saturday night, Mr. King was doing well, passing the night quietly, with his devoted wife by his bedside. He was perfectly rational at that time.

POPULAR FEELING.

Various have been the comments upon this question, but almost universal has been the condemnation of Casey, and the eulogy of Mr. King. A morning paper says: "In this case of Casey and King meet the two extremes of society. Mr. King was among the first in this State. His kind yet dignified deportment won the regard of all; the other has perhaps no equal in all that degrades a human being." A mass meeting was held at Marysville, at which numerous resolutions were made. I shall give some:

Resolved—That we recognize in James King, as editor of the *Bullletin*, the sincere and earnest friend of the poor; the bold and fearless exposer of vice, crime, and corruption; the independent and uncompromising opponent of official villains and swindlers, and the best and most faithful exponent our State has afforded of that correct sentiment which everywhere prevails among the masses of the people.

Resolved—That the late attempted assassination of Mr. King, a useful, respectable and a peaceful citizen of San Francisco, by James P. Casey, who is a graduated convict of the Sing Sing Prison, and a notorious ruffian and fraud, is an offence against the peace, the order, and the good of the State;

so hineous in offence as to demand an expression of condemnation from every good citizen in the land

One of the brood who sympathized with Casey, threw a decayed egg toward the speaker's stand during the evening, but it fell short of the intended mark, and burst among the crowd.

A bad egg is a fit emblem of the rotten-heartedness of those who uphold theives and murderers in the assassination of honest men. Thank Heaven! we are cursed by only a few such in this community, and those few will be cleaned out ere long, if they do not mend their behaviour. Hemp is cheap this year.—*Marysville Herald.*

"FLYING HOUNDS."

Two very suspicious characters, who naturally stood in dread of the Vigilance Committee took passage on board the "Sea Bird," Saturday, for San Diego. Three others supposed to belong to the same band, but who were afraid to board the steamer at the wharf, endeavored to catch by means of a small boat. They pulled lustily but were unable to overtake the steamer.

The San Francisco *Alta* of March 17th says:

The subversion of "law," under ordinary circumstances, is very much to be deplored; but there is one thing to be deplored much more greatly, and that is, that the necessity for such subversion should ever arise. The fact of law is to be honored. It [illegible] holy. Sacred memories of the past, and sacred hopes for the future, are entwined about it. But our present law is a farce. Who denies it? Do not criminals, great and notorious, walk through our streets, with their heads high, and their tongues loud? and are they not the very men, who, when outrage, wrong, and murder have been committed are the most foremost and the most active in the support of "law and order?" Yes. It is that kind of "law and order" which protects them, and which they turn toward for their own safety. It is a melancholy fact, but a fact it is, that, in this city, the support of law has fallen into the hands of the most notoriously lawless. The question now arises who shall rule, the decent respectable, honest citizens; or, the rowdies, gamblers and murderers? The law fails to give that protection to life and property which the people have a right to expect. What is to be done?

The Evening *Journal*, in a long editorial says:

That our citizens in view of an act, well calculated to madden their just resentment, into instant and merited punishment of the felon— have chosen to do nothing under the impulse of sudden exasperation; which is the best guaranty of the calm and settled determination which they have in view, to forward the reform which they have undertaken. The work is, indeed, a great one; but one which united deliberate action can accomplish. There is not a working man within the length and breadth of this city, but whose heart is in the movement, and is ready to give life and limb, if need be, to crush the enemy of their peace and prosperity. These noble and patient men responded quickly on the first note of danger, and like men, they have calmed their passions, and will wait till wise counsel have determined what is to be done; then they will do it at any hazard. Numerous were the comments of various journals of the city, but I fear straining the patience of the reader.

CHAPTER V.

THE EVENTS OF SUNDAY, MAY 18TH.

We will now proceed to chronicle events of no ordinary character—a day such as was never before witnessed in San Francisco. The action was undertaken by good citizens. as an imperative duty to themselves, the community and the country; and they entered upon its performance after cooly calculating all its responsibilities. The work was accomplished quietly, and with the most perfect decorum. The Committee numbered twenty-six hundred men, who were selected from the most reliable of the city, all of whom were vouched for by some citizen well known to the original Vigilance Committee. They were organized into companies of one hundred men each, making twenty-six companies. Each company selected its captain and four lieutenants; and each had been well drilled day and night. They had a stand of two thousand muskets, besides a large number of rifles as well as an innumerable number of shot-guns, knives and revolvers, and one field piece belonging to the California Guards.

THE ORGANIZATION SUNDAY MORNING.

The intention of the organization was not known beyond the circle of the executive department, which was the controlling power of the whole body, and whose orders were imperative The entire force being liable at any moment to be called into immediate action.

At an early hour, orders were given to the commanders of the different companies, to appear with their forces at the general headquarters of the Committee, No. 41 Sacramento Street, and be ready for duty at nine o'clock. By twelve o'clock all the companies had assembled as directed, and were placed in charge of field officers who had been chosen; all being subject to the direction of Chief Marshal Charles Doane. In the mean time, a detachment was sent to the store of Mess. Macondray & Co. to take possession of the field piece of the First California Guard, and prepare it for use: this was quickly accomplished, and the piece was guarded awaiting further orders. Nothing definite was known, even among the soldiers, of what was about to be undertaken; yet it was generally believed that the object was to gain possession of Casey and perhaps others. Shortly after 12 o'clock the companies were marshalled into the street, with the Citizens Guard, consisting of 60 picked men, to act as escort. This company was commanded by Capt. James N. Olney: they were every inch soldiers, and well qualified for the position assigned them.

The next company in line was No. 11, commanded by Capt. Donnelly, and Lieut. Frank Eastman. The third was a company of French citizens, under Capt. Richard, many of whom gave evidence of acquaintance of the battle field. Then came a German company, followed by the various other companies. It was a strange sight; men of all classes, ages and nations, men of wealth, and men of poverty. The clerk, the porter, the father—the citizen and the patriot: all enrolled in this volunteer company of citizen soldiers, and all bent on the accomplishment of a certain object.

THE MARCH TO THE JAIL.

As the troops with glistening bayonets, marched up Sacramento Street, the immense body of spectators pressed along through the crowded street with the armed force, and the whole living throng moved forward with scarcely an audible voice, save that of the officers in command. Through all the streets where they passed the doors and windows were filled with anxious and curious spectators. As the throng moved forward its numbers were continually being augmented, and persons from all directions were hurrying toward the jail. The main body of the army passed up Sacramento St. to Montgomery, along Montgomery to Pacific, from thence up to Kearny, along Kearny to Broadway Jail. Several of the companies were instructed, it seems, to approach the spot in diffierent directions, and simultaneously the bayonets were seen coming from Stockton, Dupont, and Kearny Streets. The whole campaign was so well planned, that not a single mistake seems to have been committed. The neighborhood about the jail was crowded with spectators, long before the arrival of the troops; but the way was soon cleared, and the different companies were drawn up, so that they commanded the entire square bounded by Broadway, Vallejo, Kearny and Dupont streets; most of the force being stationed in front of the Jail on Broadway street.

After the proper disposition of the troops, the houses in the vicinity were searched, to ascertain if there was reason to anticipate an attack from the rear.

The cannon was then placed in the center of the street, in front of the jail, and aiming its muzzle directly at the front door of the jail, deliberately proceeded to load it with powder and ball.

According to the stipulations, previously agreed upon the Committee had withdrawn its guard from within the jail before bringing the forces up; so that the Sheriff had entire control of the prison. But it was soon observed that he had decided to make no resistance to such an ominous array. There were three or four police officers, and one or two deputy sheriffs on the top of the jail, without arms, who appeared as mere spectators.

Withiin the jail were: Sheriff Scannell, Duputy Harrison, and one or two other deputies; together with Marshal North and several policemen; all of whom were watching the movements outside, and with no disposition to resist the will of the applicants for the prisoner. Their countenences wore a serious aspect; which plainly evinced that they felt that the people who had clothed them with autority, were now about to dictate terms which they could not to resist

As the army approached the jail, the sheriff went to the cell of Casey and said, "James, their are two thousand armed men coming for you, and I have not thirty men about the jail." Casey replied: "Then do not peril your life and that of the officers in defending me." "I will go with them."

APPROACH OF THE COMMITTEE.

The Executive committee were formed into a solid square of about ten deep directly in front of the jail, and the "Citizens Guard" formed a hollow square about them, and all appeared ready for action. A deputation of the committee were delegated to call at the door and request the Sheriff to deliver up the prisoner Casey. Accordingly, on arriving at the door, three raps were made. Sheriff Scannell appeared, and Mr. Meyers F. Truett, on behalf of the committee, informed the Sheriff of the object of their errand, and desired him to hand-cuff the prisoner, and deliver him at the door. Without hesitation the Sheriff repaired to the cell of Casey, and informed him of the request of the Vigilantes. Casey positively refused to allow them to hand-cuff him. This was reported to the committee, who requested the Sherift to endeavor to induce Casey to be hand-cuffed. Deputy Harrison then tried to persuade Casey to be ironed, but he drew a knife which he had concealed about him, and flourishing it, declared that he would plunge it into his heart sooner than be taken by the Vigilance Committee. Another consultation was being held by the committee during which time Casey had said to Marshal North, that if two respectable citizens would assure him that he should have a fair trial, and not be dragged through the streets, that he would go with them. Accordingly, Messrs. Truett, Coleman, Thompson and Farwell, on behalf of the sub-committee, went into the prison and held an interview with Casey through the wicket of the cell, in which they assured him that he should be taken through the streets in a closed carriage, and that every opportunity should be afforded him to have a fair trial. An arrangement having been thus effected, the committee retired without the outer door, and Mr. North, after placing the irons on the prisoner, conducted him to the front door, and delivered him into the hands of the committee. He was then conducted to a coach, and at his request, Mr. North took a seat beside him, and Wm. T. Coleman and Meyers Truett, occupied the same carriage. After Casey was seated in the carriage, another conference was held with the Sheriff, requesting the person of Charles Cora, the murderer of Gen. Richardson, to be delivered into the hands of the committee. The request was declined, and time was asked to consider it The committee gave the Sheriff one hour to decide, and at the same time warned him that no person must be allowed to pass through the jail door either way, except the Sheriff or his deputies. As the guard came down the prison steps with Casey, a burst of applause arose involuntarily from the vast assembley, but by a move of the uplifted hands of the committee, silence was instantly restored.

As soon as preparations were made to move toward the committee rooms, the large body of spectators sought the nearest route to the place, through all the streets and alleys that led in that direction. About one-half the armed force were left to guard the jail, and the rest served as guard and escort to the prisoner. The same streets were traversed returning as when going to the prison, and although they were packed with human beings, there was not the slightest rush or disturbance. It was a noticeable fact that this movement commanded the respect of the citizens and officers, for the dignity and decorum observed. The procession was as solemn as a funeral cortege, and when it passed through Montgomery street, there were some who uncovered their heads, out of respect to the men who filled the ranks. The Committee reached the rooms on Sacramento street, about two o'clock; Casey was conducted to the upper room, and placed under guard. The gathering about the building was immense at this time. The Committee had sentinels stationed on every block, in the thickly built portions of the city, to guard against thieves or house burners carrying on their depredations. Mounted couriers were also continually going from point to point, but their errands were only known to the Committee.

In accordance with their notifications to the Sheriff, the Committee proceeded back to the jail, and renewed their demand for Cora. The Sheriff still declined to deliver him up, and asked for thirty minutes longer, which was granted him, and he still declined, saying that they had the power and could take the whole jail if they wished. They informed him that they regarded him as Sheriff, and would hold him responsible for the safe keeping of the rest of the prisoners They only asked for the person of Cora, and they must have it. Their requests were finally complied with. Cora was delivered up, and removed to the Committee rooms in the same manner as Casey, with a large crowd in attendance.

The work of the day having been accomplished, the various companies, except those on guard, quietly dispersed. Each company marched out separately, and afterwards went down to the wharves and discharged their arms into the bay. This was done to prevent accidents, and to have them fresh loaded in case of another call.

About three hundred men were kept on guard at the Committee rooms.

CONDITION OF MR. KING.

Mr. King continued to improve throughout the day, and was then without fever. He heard the crowd as it passed Montgomery block with Casey, and insisted that Casey had been rescued, which his friends denied, wishing to keep it from him.

Monday morning, May 19th.—Mr. King was suffering a little more than usual from his wound, but his general symtoms were no worse apparently. The physicians felt no great alarm.

The civil officers were completely dumfounded with astonishment, that power had been so completely wrested from them. They found themselves shorn of strength in a single day, and were only officers in name.

The various Courts were deserted Saturday, and there seemed no disposition on the part of the authorities to take any action whatever.

The Executive Committee was in session the entire day. The head Committee was composed of twenty-nine men. Men who had the best intererests of the community at heart, so that all fears that injustice would be done, or that the guilty would escape was banished. The Committee were being continually augmented. They now numbered over three thousand.

The prisoner Casey passed most of Monday writing, about what, is not known. He was a remarkable man in his way; said to have possessed unusual courage and bravery. He was considered honorable among his class, but revengeful to his enemies. He had accumulated a fortune here, yet was never known to have done an honest days work, or a charitable act. Shortly after he was released from the prison in New York he came to California, and was very soon after elected Inspector of election in the sixth ward; where he presided and held sway till within a few months previous to this occurrence. He elected officer after officer, and shared with them the spoils. It is also claimed that he once elected a governor of this State, as some large stuffing was done that year. The majority was very small, and was always thought to have been stolen. He made the inspection business a means of livelihood, and held the city and county offices subject to the highest bidder. In this manner he had accumulated a fortune. The manner of his gaining a seat in the Board of Supervisors was yet fresh in the minds of the community. A ballot-box presided over by Sullivan, Kelly and White, at the Presidio, was so arranged that four or five days after the election it hatched out Casey for Supervisor, where he never thought of being a candidate until the election was over. Thus armed with the color of authority, he took his seat and voted away the people's money to those who gave him the lion's share. With this money he established a Sunday paper. Without principal, education, or any qualification to conduct a journal, except his ill-gotten gains, to hire composers and pay printers. His claims to being an editor were disregarded. He had a mother residing in New York.

The woman, Belle Cora, was down on Commercial street Monday, manifesting considerable anxiety as to what was to be done with Cora. She did not apply for admission. Everything was at this time under the control of the Committee, who had detailed a large number of couriers to patrol the city during the night, to guard against any villainy.

TUESDAY MORNING MAY 20TH.

Mr. King passed a most unsatisfactory night. His suffering was very great, and his condition was reported as critical. At twelve o'clock physicians regarded the case as almost hopeless, and were then using stimulants to brace up the sinking constitution. At half past twelve o'clock the physicians stated there was still hope for recovery. The recent probing and dressing of the wound had very much weakened him. His whole nervous system was completely prostrated in consequence. This was anticipated, and was believed to be the most critical moment he should experience. At fifteen minutes past one o'clock Mr. King breathed his last. The most intence excitement and sorrow followed.

THE LAST HOURS OF MR. KING.

Up to Sunday night the 18th, the condition of Mr, King was satisfactory to his physicians, and hopes were entertained of his surviving; but during the night he complained of his left shoulder, and the seat of the wound. In the morning his countenance wore an anxious expression; his system was in great distress, with the pulse at 130. This condition continued till 3 o'clock P. M., when his physicians held a consultation, and decided to examine the wound, and try to afford relief to the critical condition. The bandage and sponge were removed, after administering chloroform, and the wound examined. It was found that the large artery had not given away, not rendering it necessary to take it up; little or no blood flowed. The wound was dressed again, and upon his recovery from the chloroform he was made comfortable and easy, and continued so until nightfall. During the evening he became restless, and continued to be so during the night, notwithstanding the administration of anodines. Late in the night the pulse entirely ceased in the left arm, and grew feeble in the right. About dawn he fell into a disturbed sleep. Shortly before five o'clock Tuesday morning, he complained of sickness of the stomach, which unfavorable symptom the doctors were unable to relieve. He soon began vomiting, and was unable to retain anything on his stomach. The vomiting continued till half past one o'clock, when he breathed his last. Doctors Toland, Hammond, Gray and Burdette were in constant attendance on him. Mr. King's wife was by his side throughout all these trying moments, and she was hovering over him when his spirit took its flight. The announcement of his death acted like an electric shock to the city; it passed from man to man, and from street to street, until, in a few moments, it was known all over the city. Emblems of mourning were immediately put on by citizens, and hung upon the principal buildings and residences in the city. Soon after the decease, the members of Howard Engine Co. No. 3 hung the following inscription, across from Montgomery Block, to the office of the *Bulletin*. "The great, the good one is dead." "Who will not mourn?" "Howard 3." Mr. King left a very interesting family of a wife and six children, all of the latter under 14 years or age

EULOGY FROM A MORNING PAPER.

The work of the assassin is completed—James King is dead. The pulsations of his manly heart are stilled forever. No more in our streets will his towering form be seen to walk. No more the energies of his able pen will please the gaze of thousands of readers. Death has taken him from us. Not the death which, in withered age, comes like an angel of mercy to receive the waiting, lingering soul, with hope and healing on his wings, to bear the weary wanderer to a better world; but unnatural, unkind death, in the prime of life's youth, in the flush of health, in the freshness and animation of early manhood; with happy memories of the past, and buoyant hopes for the future to urge him on, and make him wish to live; with a wife and children clinging around him, as the green ivy on the broken oak, for support. So has he gone from us, stricken down by the hands of a brute. The golden bowl is broken. The wife, whose young heart and hopes were pledged to him, is stricken and bereaved. The children who have fondly listened with her for the coming of his footsteps, as he sought the family hearthstone, will hear him no more. Widowed is she, and they are orphans.

When the announcement of Mr. King's death was made to Casey, he was much affected and trembled visibly. He was called upon by Charles Gallagher, with whom he arranged his business affairs. He ate and slept but very little, walking about the room almost constantly, and keeping up his courage to a remarkable extent. He was a man of powerful nervous system, just such as would go to a gallows with a firm step. The committee held a meeting, but made no demonstrations till the following day.

Wednesday, May 21st, was passed in mourning and lamenting the the death of Mr. King. More general quiet existed than any day since the beginning of the excitement. The anxiety for Mr. King was no longer felt, and the security of the prisoners was beyond doubt. The executive committee was in session all day. A post mortem was held on the body of Mr. King and the verdict brought in. It is that deceased came to his death by a pistol ball, fired by James P. Casey; and that the act was premeditated and unjustifiable. We also find Mr. King to have been a native of Georgetown, D. C., aged thirty-four years. Signed by eight jurors. Quite a number of testimonials and resolutions were adopted by the various societies of the city; all highly eulogizing the life and character of deceased.

The next day, Thursday, the funeral ceremonies over the lamented remains were duly performed, and were of a grand and imposing character. Notwithstanding the request of the family to avoid all unnecessary display, yet it was impossible to keep people from manifesting their deep sympathy. All the societies were in full attendance. The remains were taken to the Unitarian church, where the funeral oration was delivered by the pastor, Rev. Dr. Cutler, and was full of eloquence. The ceremonies at the grave were those usually performed by the Masonic order, of which he was a member.

CHAPTER VI.

While the last tokens of respect were being offered for Mr. King at the church, a very different performance was going on at the rooms of the Vigilance Committee. It had been determined to postpone the execution of Casey and Cora until Friday; but a report had been circulated of such character as led the Committee to believe that an attempt would be made to rescue the prisoners during the funeral obsequies, as it was supposed that the rooms would only be partially guarded during that time—so, to relieve themselves of anxiety and suspense, the Committee decided to complete the work as quickly as possible. Notwithstanding the large attendance at the funeral, the rooms of the Committee were surrounded by many thousand people. The most formidable guard was arranged, embracing all the arms of the Committee, which consisted of about 3,000 muskets and two field pieces. The streets in the immediate vicinity of the rooms were cleared by the soldiers, and the bristling bayonets displayed in every direction, made the scene somewhat startling. At about one o'clock workmen were seen preparing the gallows in front of the Committee rooms. These rooms were within a two story granite building. A platform was extended from each of two front windows of the second floor; these platforms were provided with hinges at the outer line of the window sills, the extreme ends of the platforms being held up by cords, which were fastened to a beam projecting from the roof of the building. The fatal rope was also suspended from this beam. At about half past twelve o'clock Belle Cora had arrived, in compliance with the request of Cora's spiritual advisor, who refused to give Cora absolution unless he be married to the woman with whom he had sinned. The woman appeared very indignant, and looked angrily at the members of the Committee. She was very reluctant about going into the room where Cora was confined, but finally, upon his written request, did so; and the two were formally united in marriage by the priest. At about one o'clock, the prisoners were brought to the windows. when they looked out upon the vast multitude. They were dressed in their usual costumes but had their arms pinioned. They were both firm when mounted upon the platform, apparently unconcerned as to their fate. Before placing the ropes upon their necks, an opportunity was given them to speak to the people assembled—when Casey said:

Gentlemen; I hope this will be forever engraved on your minds, and on you hearts. I am no murderer. Let no man call me a murderer, or an assassin Let not the community pronounce me a murderer. Let not the *Alta*, the *Chronicle* or the *Globe*, which papers have so bitterly denounced me; let them not stigmatize me a murderer in their daily and weekly papers, nor send my name to the States as a murderer. Let no editor dare slander my name or my memory. Gentlemen, I am no murderer. My faults are the result of my early education. When I was reared, I was taught to fight; and to resent wrong was my province. If you see my funeral train to-morrow, let no one say there goes the body of a murderer. When I am departed hence, let no one send my name to the world as a murderer. I have an aged mother, and let not her hear me called a murderer or an assassin. I have always resented wrong, and I have done it now. Oh! my poor mother, my poor mother; How her heart will bleed at this news! It is her pain I feel now. This will wring her heart but she will not believe me a murderer. I but resented an injury—my poor mother. Oh! my mother, God bless you. Gentlemen, I pardon you, as I hope God will forgive me, amen. Oh! my poor mother! Oh God, have mercy on me. My Jesus, take care of me. Oh God, with accumulated guilt of 28 or 29 years, have mercy on me.

At the conclusion he seemed to grow weak, and was unable to stand without the support of those near him. Father Gallagher was by his side as his spiritual advisor, and several times told him to stop speaking and pray.

When the noose was placed about his neck, he almost fainted away, and had to be supported

Cora did not say a word, or desire to. He stood upon the scaffold during Casey's speech, perfectly unmoved, and when the rope was put around his neck he manifested no uneasiness whatever; in fact, appeared unconcerned. At twenty minutes past one o'clock, everything being ready, the signal was given, and the cord which held up the outer ends of the scaffold was cut from the roof of the building. Down went the traps, and the doomed men were launched into eternity, and their body's suspended between the earth and the sky. The drop was about six feet. Both expired apparently without any struggling. During this solemn and awful ceremony, a perfect stillness and silence was observed by the vast multitude; many of whom uncovered their heads. The bodies were allowed to hang fifty five minutes, when they were cut down and delivered over to the coroner.

The work of death being ended, the body of armed men who had acted as guard on the occassion, were all drawn up in line on Sacramento street, double file, and were reviewed by the superior officers. After this review they counter-marched down to the rooms, and entering through one door, they stocked arms, and filed out of the other door, to mingle with their fellow citizens. The power they assumed for a certain object, they quietly laid down, and resumed their various business pursuits after its accomplishment. They undertook and performed a good work. They did no injustice. They did no wrong. They did the duty of good citizens. and good citizens approved their course. We do not hesitate to say that they did right, having in view this grand republican principle—the will of good people should be the law of our land.

The day after the execution of Casey and Cora was the first experienced for ten days in which the business of the City received its accustomed attention. The first day for many months that the citizens felt that they were to be protected from outrage and disgrace, by an executive head. The whole community felt a relaxation from the prolonged anxiety.

The Vigilance Committee being now fully organized for action, declared itself a regulating court; determined to enforce measures to prevent the further perpetration of crime and corruption in the community. One of the resolutions of the Committee we will print.

"*Resolved*, that we forbid the discussion of any political, sectional, sectarian, or of any partisan character whatever, in or about the rooms.

We allow persons of all nations and tongues, of good moral character, to become members These are fundemental principles of the body, and will be adhered to.

All creeds, religious and political opinions must be thrown aside. We enter the great battle of virtue against vice, of right against wrong, of liberty against oppression; and we are determined at all hazards to crush out the monster vice of election frauds, as one of the greatest causes of all our troubles."

It will be remembered that one of the charges against the character of Casey was his efficiency in cramming ballots, and from further accounts, which I will shortly give, it will be seen that this corrupt practice existed to such an alarming extent that it justly aroused the indignation of all decent citizens. This was one of the main incentives for the further action of the Vigilantes; and in accordance therewith, quite a number of disreputable characters were arrested, and placed within the guard of the Committee rooms, there to remain until tried by that body.

Amongst the persons held in confinement at the Committee rooms on May 20th. was Yankee Sullivan. During his imprisonment he had been very penitent for his conduct, and expressed a determination to reform, if he should be liberated. He had been assured ever since his arrest, that he would not be hanged; as the Committee would not execute any man that the law of the land would not do the same for. He was, however, informed that he should be sent out of the country. He promised the members of the Committee that if he could be sent back to the Atlantic States, that he would quit the large cities and go back into the country, and quit fighting and the use of liquor. He was very anxious that he might be sent alone, as he said his old associates would kill him for the revelations he had made. He seemed to fear transportation with other prisoners, and some rowdies not yet captured, as much as he did death itself The Committee man agreed to do what he could for him, but could not promise all he asked.

Yesterday morning, at half past five o'clock, he called to the guard and asked for a glass of water. After drinking, he said he had experienced a most horrible dream. He thought he had been arraigned, tried, convicted, sentenced and executed. He heard the footsteps of the soldiers approaching to take him to the gallows; felt the rope drawn about his neck; imagined he dropped, and while hanging (in imagination) he awoke and called for a glass of water. The guard endeavored to cheer him, assuring him that he should not be executed, as the committee had already agreed to send him out of the State. He was visited again at eight o'clock with breakfast, when he was found to be dead and cold. He was lying upon his bed, and the knife with which the deed was done, lay just beneath his right hand. It was a common table knife, and was quite dull. The means resorted to to produce death, was to make an inscision upon the left arm, near the elbow; cutting the fleshy part of the arm down to the bone, and completely severing two large arteries. Yankee Sullivan, or James Sullivan, proper, was well known all over the country as a pugilist. He once had a bout with John Morrissey, and is said to have defeated the ex-congressman of New York.

The written confession of Sullivan was published in full in the papers; giving the names of the persons who bribed him in controlling ballot-boxes, and general frauds in elections; disclosing a corruption truly disgusting to all decent citizens; showing how men of no character or confidence with the people did, by a little strategy and pugilistic ability, control the polls and fill the offices which good men should, and certainly men with the best wishes of the majority of the community would, have occupied.

COMMUNICATION OF THE GOVERNOR.

EXECUTIVE DEPARTMENT,
Sacramento, Cal., June 2d, 1856.

To Major-General W. T. Sherman, Sir—

Information having been received by me, that an armed body of men are now organized in the City and County of San Francisco, in this State, in violation of law; and that they have resisted the due execution of law, by preventing a service of a writ of *habeas corpus*, duly issued; and that they are threatening other acts of violence and rebellion, against the Constitution of the laws of the State; you are therefore commanded to call upon such number as you may deem necessary of the enrolled militia, or those subject to military duty, also, upon all the voluntary independant companies of the military Division under your command,—to report, organize, etc., and act with you in the enforcement of the law."

J. NEELY JOHNSON.

In accordance with this, Gen. Sherman issued orders commanding the officers of volunteer companies and independants to fill their companies to their highest standand, and report for duty. Also, for all citizens of San Francisco, not belonging to any fire company, or, otherwise exempt from military duty, to enroll as militia; form companies of fifty, appoint a captian to each company, report to him for duty. The Govornor further declared the city of San Francisco to be in a state of insurrection. He ordered all the militia to report to General Sherman. The proclamation of the Governor was considerably laughed at, coming as it did, at such a late hour. The call for recruits by Gen. Sherman was weakly respondeu to; the next day, about seventy-five men enlisting. The *Alta* gives all their names, and sums up their history by pronouncing them the rowdies of the city. The editor is rather severe in its censure of the Gen. in the following:

> "What does Major-General Sherman wish to do? Is it his wish to bring the army of ballot box stuffers and rowdies which he may raise, in collision with the decent, respectable citizens of San Francisco? Is the military glory which he might attain, by leading on a horde of villians against the citizens, sufficient to compensate for the execution which he will justly receive? Gen. Sherman is an old military man. He has a high idea of military beauty and military power; but his skill, his military prestige, will not be of any value in the present crisis. He has not even the respect he had when Lieutenant of the 3d Artillery; when his soldiers looked upon him with fear and trembling, and made wide his walk. But now he is shorn of his military locks. He is plain Wm. T. Sherman, a partner in the banking house of Lucas, Turner & Co. His military commission from the Governor is contested, and whether he has a right to hold it or not, for his own credit he had better resign, and not attempt to put his "fuss and feather" authority against that of the people of this City."

Two days after the proclamation of the Governor, the Committee having heard the evidence against some disreputable characters, whom they had under guard, shipped, expelled, six of them on the steamer Hercules.

The fact that the Committee were being opposed by the Governor, only strengthened their numbers, which now numbered about five thousand; fully determined to proceed with their good work.

The Governor, no doubt, acted honestly, and as was required by his official position: but the general sentiment of the people was against him, and we believe that only such as were in sympathy with Casey and Cora were wiling to act with him, against the Vigilantes.

On Saturday evening, June 7th, a number of most respectable citizens went, on their own responsibility, to Benecia, to see the Governor; and by written request sought an interview. The request was signed by J. B. Crockett, E. W. Earl, F. W. Macondray, James V. Thornton, H. S. Foote, James Donahue, M. R. Roberts, John J. Williams, John Sime, Bailie Peyton and G. W. P. Bissell. When the Committee entered the room of Governor Johnson, there were present, Gen. Douglas, Secretary of State, Major-Gen. Sherman, Judge Terry and eight or ten other celebrities. The Committee declared in emphatic terms that they did not belong to the Vigilantes, and had no connection with its movements; but assured the Gov. that they were of the opinion that that body of men would do no more to violate the laws of the State, and hoped that the Governor would take no steps in endeavoring to suppress the Society, which steps would most likely cause a crisis. The Governor replied that he was in full sympathy with them in wishing to avoid bloodshed, and that nothing would be done by him to perpetrate such, only in a matter of necessity. "By virtue of the constitution of this State it is made my duty to enforce the execution of the laws. This duty I shall perform; and if, unhappily, a collision occurs, and injury to life and property result, the responsibility must rest upon those who disregard the laws of the State." The same evening Gen. Sherman placed in the hands of his excellency, the Governor, his resignation of the commission of Major-General, and gave as his reason for so doing, that in counselling moderation with the Governor, they could not succeed in agreeing on a course of action; so he thought it better for the Governor to select some one whose views nearer coincided with his own. At the same time, he lauded the chivalrous sense of duty which impelled the Governor in his attitude. He also advised the Committee to quietly and quickly disband. The Vigilantes, however, desired no advice, save that of their own wise counsel.

The following address of the Committee to the people, through the columns of the daily papers, had a very soothing effect on the excitement which prevailed.

June 9th, 1856.

To the People of California :—

The Committee of Vigilance placed in the position they now occupy by the voice and countenance of the vast majority of their fellow-citizens, as executors of their will, desire to define the necessity which has forced their present organization.

Great public emergencies demand prompt and vigorous remedies.

The people, long suffering under an organized despotism, which has invaded their liberties, squandered their property, usurped their offices of trust and emolument, prevented the expression of their will through the ballot box, and have corrupted the channels of justice, have now arisen in virtue of their inherent right and power. All political, religious and sectional differences and issues have given way to the paramount necessity of a thorough and fundamental reform and purification of the social and political body.

The voice of the whole people have demanded union and organization, as the only way of making our laws effective, and regaining the right of free speech free vote, and public safety. For years they have patiently waited and and striven in a peaceful manner: and in accordance with the forms of law, to reform the abuses which have made our city a by-word. Fraud and violence have foiled every effort; and the laws to which the people looked for protection, were distorted and rendered effete in practice, so as to shield the vile; they have been used as a powerful engine to fasten upon us tyranny and misrule.

We looked to the ballot box as our safe-guard and sure remedy. But so effectually, and so long was its voice smothered, the votes deposited in it by freemen so entirely out numbered by ballots thrust in by fraud at midnight, or multiplied by false counts of judges and inspectors of election, that many doubted whether the majority of the people were not utterly corrupt.

Organized gangs of bad men, of all political parties, or who assumed any particular creed from mercenary and corrupt motives, have parcelled out our offices among themselves, or sold them to the highest bidders; have provided themselves with convenient tools to obey their nod, as clerks, inspectors and judges of election; have employed bullies and professional fighters, to destroy tally lists by force, and to prevent peaceable citizens from ascertaining, in a lawful manner, the true number of votes polled at our elections; and have used cunningly contrived ballot boxes, with false sides and bottoms, so prepared that by means of a spring or slide, spurious tickets (placed there previous to the election) could be mingled with genuine votes! Of all this, we have the most irrefragible proofs. Felons from other lands and states, and unconvicted criminals, equally as bad, have thus controlled public funds and property, and have often amassed sudden fortunes, without having done an honest day's work with head or hands. Thus the fair inheritance of our city has been embezzled and squandered; our streets and wharves are in ruins; and the miserable entailment of an enormous debt will bequeath sorrow and poverty to another generation.

The jury box has been tampered with, and our jury trials have been made to shield the hundreds of murderers, whose red hands have cemented this tyranny, and silenced with the bowie-knife and the pistol, not only the free voice of an indignant press, but the shuddering rebuke of the outraged citizen. To our shame be it said, that the inhabitants of distant lands already know that corrupt men in office, as well as gamblers, shoulder strikers, and other vile tools of unscrupulous leaders, beat, maim, and shoot down with impunity, good, peaceable, and unoffending citizens. Such as those earnest reformers, who, at the known hazard of their lives, and with singleness of heart, have sought, in a lawful manner, to thwart schemes of public plunder, or to awaken investigation.

Embodied in the principles of republican government are the truths that the majority should rule; and when corrupt officials who have fraudently seized the reins of authority, designedly thwart the execution of the laws of punishment upon the notoriously guilty; then the power they usurped reverts back to the people from whom it was wrested. Realizing these truths, and confident that they were carrying out the will of the vast majority of the citizens of this country, the Committee of Vigilance, under a solemn sense of responsibility that rested upon them, have calmly and dispassionately weighed the evidences before them, and decreed the death of some, who, by their crimes and villianies had stained our fair land.

With those that were banished, this comparatively moderate punishment was chosen, not because ignominious death was not deserved, but that the error, if any, might surily be on the side of mercy to the criminal. There are others scarcely less guilty, against whom the same punishment has been decreed, but they have been allowed further time to arrange for their final departure, and with the hope that permission to depart voluntarily, might induce repentance and repentance amendment, they have been suffered to choose within limit their own time and method of going. Thus far, and throughout their arduous duties they have been, and will be guided by the most conscientious convictions of imperative duty, and they earnestly hope that in endeavoring to mete out merciful justice to the guilty, their counsels may be so guided, by that power before whose tribunal we all shall stand, that in the vicissitudes of after life, amid the calm reflections of old age, and in clear view of dying conscience, there may be found nothing we would regret or wish to change. We have no friends to reward, no enemies to punish, no private ends to accomplish.

Our single heartfelt aim is the public good; the purging from our community of those abandoned characters whose actions have been evil continually, and have finally forced upon us the efforts we are now making. We have no favoritism as a body, nor shall there be evinced, in any of our acts, either partiality for, or prejudice against any race, sect or party. While thus far we have not discovered on the part of our constituents any indication of lack of confidence, and have no reason to doubt that the great majority of the inhabitants of the county indorse our acts, and desire us to continue the work of weeding out the irreclaimable characters from the community; we have, with deep regret, seen that some of the State authorities have felt it their duty to organize a force to resist us. It is not impossible for us to realize that not only those who have sought place with a view to public plunder, but also those gentlemen who, accepting offices to which they were honestly elected, have sworn to support the laws of the State of California, find it difficult to reconcile their supposed duties with acquiescence in the acts of the Committee of Vigilance, when they reflect that more than three-fourths of the people of the entire State sympathize with, and endorse our efforts; and as all law emanates from the people, so, also, when the laws thus enacted are not executed, the power returns to the people, and is theirs whenever they may choose to exercise it These gentlemen would not have hesitated to acknowledge this self-evident truth, had the people chosen to make their present movement a complete revolution, recalling all the power they had delegated, and re-issuing it to new agents under new forms. Now, because the people have not seen fit to resume all the powers they have confided to executive or state officers, it certainly does not follow they cannot, in the exercise of their inherent, sovereign power, withdraw from corrupt and unfaithful servants the authority they have used to thwart the ends of justice.

Those officers whose mistaken sense of duty leads them to array themselves against the determined action of the people, whose servants they have become, may be respected, while their errors may be regretted; but none can envy the future reflections of that man who, whether in the heat of malignant passion or with the vain hope of preserving by violence a position obtained through fraud and bribery, seeks, under the color of law, to enlist the out casts of society, as a hireling soldiery in the service of the State; or urges criminals by hopes of plunder, to continue at the cost of civil war, the reign of ballot box stuffers and tamperers with the jury box.

The Committee of Vigilance believe that the people have entrusted to them the duty of gathering evidence, and after due trial, expelling from the community those ruffians and assassins who have so long outraged the peace and good order of society; violated the ballot box, overridden law, and thwarted justice. Beyond the duties incident to this, we do not desire to interfere with the details of government. We have spared and shall spare no effort to avoid bloodshed or civil war; but undeterred by threats of opposing organization, shall continue, peaceably if we can, forcibly if we must, this work of reform, to which we have pledged our lives, or fortunes and our sacred honor. Our labors have been arduous, our deliberations have been cautious, our determinations firm, our counsels prudent, our motives pure; and while regretting the imperious necessity which called us into action, we are anxious that this necessity should exist no longer; and when our labors shall have been accomplished, when the community shall be freed from the evils it has so long endured, when we have insured to our citizens an honest and vigorous protection of their rights; then the Committee of Vigilance will find great pleasure in resigning their power into the hands of the people, from whom it was received.

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DISBANDMENT OF THE NATIONAL GUARD.

At a meeting of the National Guard, held at their armory, on the evening of June 10th, the following action was taken:

Whereas, recent events, well known to all, having placed this corps in a wrong position before the public, therefore, it is hereby

"*Resolved*, That in consequence of our arms having been taken from us by the Adjutant-General of the State, this corps do now disband; preferring this course to that of becoming the slaughterers of our fellow-citizens.

Resolved, That this corps do now re-organize, under the name of Independent National Guard, holding ourselves subject only to such rules and regulations, in sustaining the cardinal interests of the community, as our best judgments may dictate—hereby repudiate all connection with the present state authorities."

Wm. H. Johns, Secretary.

The same day we have the following communication from Marshal

North to Mayor Van Ness, and to the Common Council of San Francisco:

Gentlemen—I beg herewith to tender you, and through you to my constituents, my resignation of the office of City Marshal of the City of San Francisco, to which I was duly elected on the 28th day of May, 1855. Hoping that this act may tend to restore harmony in the present distracted affairs of this community, I remain,

Respectfully,

HAMPTON NORTH.

Marshal North probably preferred "giving up the ship," as the idea of resistance was, perhaps, too equivocal, if not hopeless; or he may have sympathized with the reform movement, which we hope he did. At any rate, the two events of the day added strength to the Vigilantes.

CHAPTER VII.

FORT VIGILANCE.

Fort Vigilance, the headquars of the Committee Rooms, was embraced within the block bounded by Front, Davis, California and Sacramento streets, having an entrance from, and fronting on Sacramento street. This square was 275 feet each way, and was covered with two-story brick buildings; being situated about one block from the then water front. The rooms, proper, were on Sacramento street, and occupied about 100 feet frontage, in the middle of the block This front was protected by a sand bag breastwork, which was thrown up about ten feet high, six feet thick, and was twenty feet from the building. A narrow passageway through this fortification admitted the members to the retreat, from which ingress was made into the buildings. There were guards stationed at the passway through the breast work, and also a double set at the entrance of the doors; also, one at the stairway leading to the second floor where the differents departments and cells were located. A small street which put into the center of the block from Davis street, made a rear entrance to the rooms; this was also barricaded by sandbags, and closely guarded Upon the second floor the apartments covered more space than upon the first, as connections had been made with several adjoining buildings, by cutting doorways, so that the Committee occupied nearly or quite one half the entire block upon the second floor. The ground floor was used for field pieces, and heavy ammunition, while the small arms were arranged in convenient racks above. The heads of departments, and different inferior offices (the executive rooms and prisoners cells) were on the second floor.

The executive chamber was a large spacious room, hung with all the different flags of the various nations, but the American flag prevailing in numbers and importance. It was here that the terrible trials were held and the fatal issues determined. Upon the roof was placed in a conspicuous position, an alarm bell of about 700 pounds weight; also, several cannons. The corresponding block on opposite side to Sacramento street was vacant; having shortly before been destroyed by fire. The adjoining blocks were composed chiefly of solid brick and masonry work, and almost fire proof. About 100 guards were kept constantly on watch, to protect the rooms and property of the Committee. Such is a faint outline of the Vigilance Committee headquarters; which was the center of more power, and terror to evil-doers than all the Courts or Governors of California; because it had to aid its physical strength, the entire moral force of the State.

MASS-MEETING OF CITIZENS—SPEECHES, RESOLUTIONS AND INCIDENTS.

In accordance with a published call of the Committee appointed by preliminary meetings, and a general desire to endorse the action and policy of the Vigilance Committee, a very large and enthusiastic meeting of citizens assembled, June 14, in front of the Oriental hotel. Long before the hour of meeting appointed, the large space in front of the hotel was thronged with people. By twelve o'clock the street, and every space formed by the junction of the three streets, and all the buildings in the vicinity, were literally thronged with people, who had laid aside their pleasures and business, to come out and counsel upon the matters that agitated the community. It was estimated that there were fifteen thousand people on the grounds in the vicinity. Promptly at twelve o'clock the officers of the meeting, and the members of the press were admitted to the balcony upon the second floor of the hotel; and H. M. Naglee, Esq., from the nominative committee, came forward, called the meeting to order, and placed in nomination the following persons for permanent officers of the meeting; which nominations were unanimously confirmed: President, Hon. Bailie Peyton; Vice-Presidents, H. M. Naglee, F. A. Woodworth, Gardner Elliot, Dan'l Gibb, G. F. Shaw, H. M. Gray, Sam'l J. Hensley, Gustave Touchard, S. C. Wass, L. Maynard, L. McLane Jr., Gwyn Page, T. C. Hambly, David Chambers, Abel Guy, John Sime, E. W. Church, Wm. McMichael; Secretaries, A. G. Randall, Theodore Payne. The parlors and all the front rooms, as well as the adjoining buildings of the hotel, were crowded with ladies who lent their smiles to the occasion. None seemed more anxious to hear, and to forward the objects of the meeting than the ladies.

COL. BAILIE PEYTON'S SPEECH ON TAKING THE CHAIR.

"Fellow-Citizens—The object of this meeting has been announced by the chairman of the committee. On the evening of the 12th inst. a preleminary meeting was held at the auction rooms of Wm. Middleton, at which resolutions were adopted endorsing the action of the Vigilance Committee and asking the Governor to withdraw his proclamation.

The object of this meeting is to endorse those resolutions, and get an expression of the public will upon the matters now occupying public attention. I am glad to see that the call has been so promptly responded to, and the meeting so largely attended.

We are here to consider principles of the first magnitude. and which may result in the shedding of much innocent blood. One of the objects of this meeting is to prevent so dire a calamity, and your action to-day may do much towards securing this result; one which we all desire.

The Vigilance Committee must be sustained, or must be put down. If they are put down, it must be at the point of the bayonet. The question, then is, whether we appeal to the Governor to put them down in this way, or whether we will ask him to withdraw his opposition to this body of our people.

The causes which have brought this Committee into existence are well known and familiar to you all. The little band who oppose the Committee, claim that there is no necessity for this organization, or for a revolution of the Government. I am frank to say, that I take issue with them; and I now declare that there was no other remedy to redress our wrongs, which we had suffered for years, until the fountain of government had become corrupt, by frauds and impositions practiced upon the ballot box. In this country, and under a government like ours; each man is a sovereign, and the people are the sovereigns of the law; each of whom has equal right to say who shall be their rulers. I ask you then, fellow-citizens, if we in San Francisco, have even ever had a government based upon the free popular will of the legal voters?

(Many voices—"No, no, no.")

Those who have made our laws, have done so without authority; and those who executed them were unauthorized by the will of their constituents. They have acted by fraudulent powers of attorney,—yea, they acted with forged ones—and in this manner foisted themselves and their obnoxious laws upon us. Every citizen has a right to go to the polls, and there, by his vote, express his will freely as to who shall rule us. But what chance has a man in San Francisco against this infernal patent box which they have brought into use. Honest people may go and vote, but a "Mulligan" can neutralize all their votes by a single touch of this complicated machinery. You might as well go into a harvest field with an old, common, rusty, primitive reaping sickel, against one of McCormick's double-horse, patent, improved reaping machines, and expect to compete with it, as to get fairness when these fellows use these boxes.

With the partners of the candidates to watch over and arrange the ballot boxes, and a set of bullies and ruffians to knock down honest people, what chance have you to get anything like fairness? As matters have been, people are afraid to go to the polls, for their lives are in danger. Let us look at the condition of affairs for a few years past. Who controlled your elections? Who have filled your offices? And what is the result of all their rule and government? You now find your taxes squandered, your credit ruined, your business destroyed, your streets delapidated, and homes almost invaded.

These matters went on by the forbearance of the people, until one the worst of the crew, the prince of the balllot box stuffers, struck down in our midst, at noon day, one of your honored and distinguished citizens, and a high-minded gentleman, as well as a husband and father. We also find his accomplices in the vicinity of the scene, and ready to aid the assassination; and when the people attempt to arrest them, they ply to the jail for safety and an asylum. Every man in this community read his fate in that of Mr. King. If he could be shot down with impunity, who among us was safe? For this cause have the people arisen in their combined strength, and demanded justice, and will have it. They have done well; they have done right; they deserve our support; they shall have it; they deserve a monument to their memories. [Chorus and loud applause.] They have accomplished more in a few days towards correcting evils, reforming abuses, punishing crime, and improving our social condition, than our courts or the officers of the law have done in as many years.

No, fellow-citizens, it seems to me that, taking a proper view of this important subject, we cannot come to any other conclusion than that the Committee have not arisen without good and sufficient cause. All law has been set at defiance by these men who cry "law and order" now. They had possession of the bollot boxes, and were surrounded by a set of fellows who always swarm about the polls, and who assume to make and execute our laws. What could peaceable citizens do? They were met at the polls by an armed band of ruffians, and resistance to them was dangerous. The Committe have arisen to put these fellows down, and they will accomplish it before they are done with the work. It is an Herculean task; but they will accomplish it. They are determined to cleanse out the Augean stable; They will turn the river of honest sentiment through the stable, and sweep out the whole craft of them. They have determined to drive them from our midst, and they will do it. They have the prayers of the churches on their side, and the smiles of the ladies—God bless them! (cheers and applause). The ladies are always right, and their endorsement of any cause would insure success; and it is enough for me to know that the ladies are with the committee.

Fellow-citizens, if you are the right bowers of the Committee, and I doubt not you are, from your hearty endorsement of its action, I know of nothing that could overcome them unless it came from abroad (cheers). The Vigilance Committee had but little trouble in storming the jail and hanging two fellows, and this is only the beginning of the great work before them. I would compare the work to Hercules, the hero of an old story. Hercules while a child in his cradle strangled two snakes. The Vigilance Committee in its infancy have strangled two monstrous felons, who richly deserved their fate.

This was the commencement of their work. Our hero next captured a peculiar sort of a bird, with claws and beak of iron and brass. This was the most difficult task ever assigned him, but he accomplished it. The Committee have caught some birds of the same description; they have the brass bills and claws; they are known and marked. They have the crows and other unclean birds. The chief of the vultures—the notorious Ned McGowan—it has been difficult to find. He may now be in some cave in our midst. Probably he is in some dark cellar at the base of Telegraph Hill, or other invisible place, but he may yet come to light. Now I think you are going to support the Committee, if not you would not be here. If such is your intention, let it be done by great numbers. Let us show to the Governor that if he fights the Committee he will have to walk over more dead bodies than can be disposed of in the Cemetery.

I know the Governor very well. He is amiable and kind-hearted; and disposed to do right, but he has unfortunately listened to bad advice. If he had been left to himself, we should not have had his proclamation; and were he now to consult his own feelings, he would withdraw the proclamation. Let us show the Governor then (I wish he were here) what a demonstration is here made for the Committee. This sight before me is one of the things that a blind man can see. Why has not our own Governor done as others before him have done? Why has he not first applied to the President of the United States, and laid the case before him previous to calling out the army? Many instances are on record of similar kind, where such a course was pursued; and I would like to have him apply to Frank Pierce, and let him send an army to our relief. I would then want him to send them over the plains, and have them make a wagon-road as they came over. It is clearly his duty to apply to the Chief Executive in an emergency like that which now exists, if a resort to arms is determined upon.

Now, fellow-citizens, I will not detain you with further remarks. It is unnecessary to talk to you, for I see you are unanimous in your approval of the Committee. Let us endorse all that they have done, and support them in the work before them. Let us be ready to fight for them if necessary.

At the conclusion of the Colonel's speech, cheer after cheer rent the air and the able speaker retired amid storms of applause, which arose from a delighted and determined audience.

Capt. A. F. Woodworth, one of the vice-presidents, then came forward and read the resolutions which were presented to the preliminary meetings. They were as follows:

Whereas, the events of the past few weeks have been of such a character as to agitate, in an unusual manner, our whole population, and to have produced an organization of a very large body of our most valued citizens, for the purpose of expelling from this community peaceably if possible, but, if necessary forcibly, a band of men, known as habitual violators of the public peace, who set the laws openly at defiance, who plunder the public purse with impunity, who violate the sanctity of the ballot box by fraudulent contrivances, who destroy the purity of our elections, corrupt the candidates for office, and notoriously sell official stations to the highest bidder; and go openly and avowedly armed in the most public thorough-fares, and ruthlessly shoot down those who oppose or expose them--many of which evils and abuses are of such a character that the laws, as they at present exist, have failed to provide any adequate remedy.

And whereas, a large portion of our citizens have not heretofore seen proper to identify themselves with these movements, but now deem it their duty, calmly and decidedly, to impress their opinion upon the subject of these evils and remedy; therefore

Resolved, That we do not regard the present attitude of the citizens' organization as threatening to the public safety and tranquility, and we believe that from them no infraction of the public peace and order is to be apprehended;

Resolved, That we, as citizens, retain our entire confidence in the constitution and laws of this State, and the constitution and laws of the United States, and in their efficacy for the maintenance of public tranquility, and the general prosperity; and that we solemnly deprecate all agitation of the subject of constitutional reform at this crisis, inasmuch as a calm and peaceful state of society and mature reflections are absolutely required, when the fundamental law of the land is to be discussed or amended;

Resolved, That we believe his Excellency, the Governor, has been misinformed in relation to the necessity which forced upon the citizens of San Francisco their extra judicial organization, and that he be respectfully requested to withdraw his proclamation of June 3d.

Resolved, That the official corruptions, so commonly charged in this community, ought not to be construed as to embrace all the judicial officers of this county, a majority of whom are beyond reproach.

Resolved, That we recommend all of our citizens, and especially those who control the press, to avoid exciting discussions and irritating appeals to the community, and urge the exercise of that cool discretion which the occasion requires;

Resolved, That we have the fullest confidence in the people, and the people's organization known as the Committee of Vigilance of San Francisco, and in their ability and determination to maintain the common safety; and that we see no cause to doubt that their exercise of the power necessary for the purpose, will be judiciously controlled and directed;

Resolved, That there is no longer any reason for alarm; that any governmental interference, or action which would tend to produce a collision, is now unnecessary, and would be absolute madness; and in a short time we hope to be able to congratulate ourselves and our absent friends that these evils (of which all complain) being ended, we shall be as proud to boast of our social and moral condition as we are of our genial climate and productive soil;

Resolved, That if we should be disappointed in our hopes of the peaceful and early termination of the present difficulties,, then we stand ready to organize and maintain the right.

The reading of the resolutions was frequently interrupted by the meeting, who evinced its approbation of the sentiments by long and continued applause. The question being put upon their adoption, the welkin was made to ring with the hearty response in the affirmative; and when the negative was put, two distinct noes were given. Col. Peyton replied that Mulligan had two friends present. Capt. Woodworth continued and said that he had another resolution which he desired to offer. He did not anticipate any collision between the authorities and the Committee. but it was good policy in time of peace to prepare for war, and as the Committee might want assistance, and perhaps pecuniary aid he would submit the following.

Resolved, That the president and officers of this meeting be constituted a standing committee of the people, whose duty shall be,

1st. To devise and arrange a plan of organization of those who sympathize with the "Committee of Vigilance," and when in the judgment of said standing committee the emergency of the case demands it, to perfect such plan, by calling together our fellow-citizens, enrolling their names, and adopting such other measures as they may deem necessary to render such organization the most efficient for the protection of public and private property, and the maintenance of the rights of the people, in the event of a collision, between the authorities and the Committee of Vigilance.

2d. To call upon our fellow-citizens for contributions to a "Safety Fund;" which fund shall be held by such standing Committee, subject to the orders of the Chairman of the Executive Committee Vigilance, and should any portion of said fund remain, undisturbed at the disbanding of said Committee of Vigilance, to divide such surplus, equally, between the Orphan Asylums of this city.

This resolution was unanimously adopted, and received with animated applause.

The president introduced as the next speaker, the Hon. Wm. Duer, who came forward, and after the cheering subsided with which he was received, he spoke as follows:

Fellow-citizens—I have been honored by this invitation to address my fellow-citizens for a few moments on the important matter in which all are interested. I do not appear here, nor have I taken any active part in present affairs, for the purpose of seeking notoriety. I feel it my duty as a citizen caring for the welfare of the city, as a lover of purity in every department of goverment and society, to step boldly forward and endorse those who have attempted a glorious work of reform. There are times when the voices of all should be heard on great questions that concern every member of the community, it now becomes these people to say whether they will sustain the evils which exist, or rally around the organization which has assumed the responsibility of ridding us of the worst crimes that ever corrupted a civilized city. If any man wishes to know my opinion I will tell him fearlessly that I am with the Vigilance Committee. (Applause.) I recognize in them pure; I see in their course dignity and integrity, firmness and quietness.

If they have done anything that honest and virtuous citizens may not approve, I have not seen it; and if any opposing force, by whomsoever it may be commanded, is sent to threaten an attack, though I am not a young man full of activity, yet I am ready to assist the Committee with all the strength I possess. (Applause.) The opponents of the committee have but one cry, and one argument, and that is, law and order. (laughter) So am I in favor of law and order, but not that kind which has long prevailed in San Francisco. (Great applause.) It is the duty of all to be in favor of the laws and the public peace, but it is not our duty to submit to the plundering, murderous rule of men who neither respect the rights of others, nor the requirements of the laws made for the general protection. We owe to the constitution reverence and obedience, and as we have surrendered certain natural rights in order to be governed, we owe to laws a full acknowledgment of their necessity. But the right to revolutionise is reserved to us. We have no right to rise up and overthrow the government, yet we can claim, in the most positive terms, the privilege of so reguating our local affairs that our lives and property will be made safe through the correct administration of law under the constitution. (Sensation)

In England it has been a custom of judges to wear wigs. This peculiarity everyone sees and knows as belonging to the courts; yet take the wigs off and good judges are left; but take away the judges and nothing is left but the wigs. [Laughter]. Now we have the ballot-box, constitutional laws, and public offices; still they are of no proper use to us; their purity and genuineness have been taken away, and nothing is left but the wig. [Great laughter and applause]. We have nothing to lean upon for protection. The unoffending and respected citizen may be insulted, beaten, murdered on the street, in daylight, in the presence of the passers-by, but the desperado laughs at the law, and defies any attempt at punishment. There is never a certainty that the offender of any grade will be punished according to his offenses. Not one in five hundred is subjected to the penalties of violated law; but the whole desperate, infamous horde are permitted to assassinate and control the better classes. Why! the condemned practice of duelling is a christian and civilized institution, beside the daily crimes in our streets. The conduct of those engaged in trampling down law and order has created in our midst worse than barbarism, and, for us to longer submit would be an insult to the civilized world a disgrace to the city and state, and to ourselves. [Immense sensation]. Look at the number of murders committed in California during the past year. There were probably more than five hundred; and I undertake to say, that not more than five of the perpetrators have been punished according to the forms of law. This terrible condition of things is not confined merely to this and other cities, but it extends throughout the State; and in the interior there has been no abatement, save through the measures adopted by the people. For years the inhabitants have suffered from the depredations of a crowd of cattle-steelers; and when it was known, by the best of proof, that there was no remedy at law. the people have taken upon themselves the infliction of punishment, and from this mode more security has been established. This is the only way left to free the country from thieves, outcasts and murderers. We have seen full well that we also must rely on that course, or sink still lower into the great wave of vice that has undermined all our best interests. This is the purpose of the Vigilance Committee, and it is our duty to see that they are sustained, and we will do it! [Cheers].

Yet, the law and order party, some of whom doubtless are worthy men, insist that our remedy is in the ballot boxes. In the ballot box in the hands of Liverpool Jack and Billy Mulligan. (Loud shouting and laughter) These fellows and their clan are the guardians of the ballot box. (Laughter.) We are cautioned against revolution and anarchy, and pointed to the ballot box for the maintenance of the constitution and the laws. We must not revolutionize, because the ballot box is a thing of all healing power. I have witnessed revolutionary proceedings in the South American States, but until I saw them I cound not tell why there were so many revolutions in the countries. I find that it is owing to the special guardianship of the ballot box. (Laughter.) There it is surrounded by armed soldiers, and if the voter murmurs as every republican should, he is arrested for attempting to overthrow the government. (Renewed applause and laughter.)

It is said there are no proofs of this ballot box stuffing despotism of which we complain, and which the Vigilance Committee intend to destroy. How men can pretend to support a cause by such palpable error, I am unable to explain. In the addition to the results of what we all know was a regular system of ballot box stuffing in this city, I will add the outrages of San Mateo. I was called as counsel in the investigation of the election returns of that county, when the attempt was made to contest the right of those purported to be elected to occupy the offices. The evidence adduced showed the vilest knavery ever perpetrated, in three precincts, called "Chris. Lilly's."

At Belmont and Crystal Springs, there were but three hundred legal voters; but "Liverpool Jack" James Hennessy and their abettors returned fifteen hundred. At Crystal Springs, the honest people found on the morning of the election, five men whom they have never before seen, and who had much to say about the election, and seemed to be very anxious that the ballot box should be protected. (Laughter.) So much so, that they returned five hundred votes as having been polled, when there were only about thirty legal voters in the precinct. (Much sensation.)

When I saw these alarming and monstrous frauds, I was astounded; and asked the hard-working and peaceable farmers why they allowed such villainy in their neighborhoods. Said they: "We can't help ourselves; if we try to hinder your San Francisco rogues from doing as they like, they will shoot our cattle, burn our houses, and it may be, murder us." Here we have a complete illustration of the extent of ballot-box stuffing power; and it is that which we have now undertaken to crush, through the efforts of the Vigilance Committee. [Great applause]. It is this noble work which the Governor and his "Law and Order" party wish immediately suspended. This is the insurrection which is to overthrow the government, and separate California from the Union. It will be in vain that that species of argument is brought to bear upon the organization of the people; it will increase and spread, in spite of opposition, interposed by governors, generals and ballot-box stuffers. [Cheers].

An old lady, named Mrs. Partington, once tried to prevent the Atlantic from flowing into her cabin. It was to no purpose that she plied her mop; it would do no good; the tide went to its height, and subsided when it had completed its flow. Thus it is with the reform movement, and the "law and order" opposition. The Governor is quite an amiable gentlemen, but he has not a very strong mind. [Laughter]. He is under the influence of men stronger minded, and worse in principle; yet their combination to disband the Vigilance Committee will prove no more powerful than the old woman and her mop. Let them shout and parade if they wish; they will at length sink into the ocean of public contempt. [Applause] Law and Order! What has law and order" been in San Francisco? Were I an artist, and should design a picture representing the great embodiment of "law and order" in San Francisco. I would draw, in hideous tints, a dark, dismal cellar, and there around a gambling table, place Casey, Mulligan, Liverpool Jack, "Judge" McGowan, and others of their kind, engaged in inventing a new ballot-box, by which they intend to cheat all honest men of their voice at the elections. [Sensation and applause]. In the back ground I would arrange, behind masks, others lending approval to the damnable scene before them, and ready to purchase the benefit of the foul invention. This would be a true representation of "law and order" in San Francisco. (Excitement and huzzas).

The Vigilance Committee have dealt justly toward some of this gross and intolerable tribe, and I hope they will yet remove the masks from those in the back ground. (Cries of good, that's what we want).

The charge constantly made that the real object of the Committee is to subvert the constitution and depose the Executive. We are all loyal to the constitution, and desire it to remain undisturbed and untarnished, and we desire that the government shall remain as the people established it; but because we are trying to regulate our local affairs, we object to interference on the part of the Executive, nor can we agree to assist in maintaining his curious (law and order), by taking up arms to spill the blood of our fellow-citizens who are engaged in the cause of virtue. (Hearty applause). Because my country is invaded by a foreign foe, am I to join in plundering the houses of my countrymen, and in scattering desolation through the land? And in this unholy crusade against the best portion of the community; these shall not find in us any help, though there come five hundred Governors and five hundred Major-Generals. (cheers). The political atmosphere is becoming purer already, through the friends of honor, truth and right. The storm will soon pass, and you may return to your homes with the full knowledge of greater safety than you have ever enjoyed in the splendid city of the Pacific. May you be blessed in your avocations; but as old Ethon Allen said, when commencing the surrender of the Ticonderoga, "in the name of God and the continental Congress." You say to the ballot box stuffers, shoulder strikers, murderers, corrupt office holders, strumpets, and all evil characters, "you must surrender in the name of God and the Vigilance Committee." (Tremendous cheers).

Speech of G. W. Baker, Esq. By the programme of the Committee, Judge Baker was next introduced to the meeting, and spoke as follows:

Fellow-Citizens—I see before me the vast public mind of the city of San Francisco. I see by this that the crisis has already passed. I see that the people have confidence in Providence and the Vigilance Committee. It is a fearful thing to see so many of our fellow-citizens banded together, and against the laws of the country; but it is more fearful to see another body of men arming to war against the good citizens of a state, and that, too, by the authority of a commonwealth. I am not addressing myself to the Vigilance Committee, but to the great mind of San Francisco. The issue has been made on this question; the lines are drawn, and now which side will you choose? Let us consider the merits of each party. What has brought the Committee into existence? It is not the shooting down of one citizen. But this act was the signal for this great rally, which promises to redress the wrongs of years. For six long years have the people of this city been ground down by the heel of oppression; and the assassination of Mr. King brought matters to a crisis, and they determined to desist no longer. We must judge the Committee by what they have done. They have not dethroned law; they have not rendered life less secure; they have not jeopardised the rights of citizens in their property. It is true they have gone contrary to the constituted authorities, but they have done injustice to none. I undertake to say that people never felt so secure in life and property as they do at this present moment.

How is it with the "law and order" party? Of what is that composed? For the most part, of intriguing politicians, bar-room wire pullers, grog shops loafers; men without character or reputation; and men who do not respect or observe the laws. If they had the numerical force and power to-day, they would inaugurate the same state of things that has afflicted us for the past five years. You have got to endorse one party or the other. There is no neutral or middle ground. I think, therefore, that every good citizen feels ready and willing to endorse the Vigilance Committee. The evils that have brought this state of things upon us originated in the organization of the political parties. All parties are upon the same footing in this respect. The whole machinery is worked by a few hired bullies and ruffians. The primary elections are controlled by these fellows, and they make the nominations which you are to support, and thus you are forced to submit to their dictations. You go to the polls without thought or reflection, and cast the ticket prepared for you, and help to carry out their will. I call upon you then, to turn your attention to the professional politicians and street loafers, who do nothing from year to year but connive at elections, and practice fraud upon the ballot-box. I do not refer to, or speak of, any particular man or party, but I speak of one of the greatest evils that exist among us.

Look at your rulers since 1849. All of these fellows have had offices, or shared in them. And their influence is not confined to this city; it extends all over the state like a net work. By their system of fraud and plunder they have controlled all the offices of any importance in the city and state. With five hundred such men banded together for such a purpose, what may they not do?

It is impossible to stop them by the regular process of law. It is idle to talk about it. They have the law in their own power, and redress or change is perfectly impossible. There is no way to correct this evil, but the one adopted by the Committee The people must rise in their majesty and strength and drive these pipe laying loafers out of the country. If you want good laws, if you want good officers, you must turn your attention to the trafficing politician. Look at your Custom House, and other Federal offices. They are filled with these fellows, who are now enjoying the profits of the subordinate positions, and they are retained in consequence of their strength and influence at the polls. These games have to be played, and unless these men are taken of by the officers, they will overthrow the party and elect others. This is the reason that no good, respectable man can get a subordinate position in these offices. They have only one vote each, and have not the hardihood and disposition to cast more. Here is the great evil. Those vile birds are pestered into office, and are thus enabled to live from one election to another. I have thrown out these suggestions for your considerations, and I hope to God the time has come when these vile ruffians will be driven from us. (Cheers).

THE PATENT BALLOT-BOX.

At the conclusion of Judge Baker's speech, Col. Peyton, the President, held up before the ordience the celebrated double back action patent ballot-box, recently recovered by the Committee, and was received with deafening cheers. After the enthusiastic and prolonged cheering had subsided, the Colonel said: Here is the orator of the occasion. (Cheers).

I beg to introduce to you a harp of a thousand strings. (Tremendous cheering). I am sorry that I cannot present to you the harpist—Ned McGowan. (Loud applause). This is the old wooden horse. (Cheers). It has many curious and ingenious contrivances, and works by various springs and catches. There are some gentlemen here who understand how to work it; I don't. (Applause).

They know its secret operations and slides. I want you all to understand it. (Some persons here showed the mysteries of the box by drawing the slides and exhibiting the tickets). This is a powerful machine. It will elevate the meanest vagabond in the country to the highest office in the State. (Cries of good! good!) It ought to be sent to Washington and deposited in the archives of the Union. (Cheers). Gentlemen, you have now seen the great curiosity; and as other speakers have not arrived, it is moved that we adjourn.

A few other short addresses were made, and resolutions adopted in sympathy with the Vigilance movement; after which the meeting adjourned.

CHAPTER VIII.

From the San Francisco *Alta* of June 22nd: "Great excitement was created in the city yesterday by an attempt to assassinate Sterling A. Hopkins, a member of the Vigilance Committee, by D. S. Terry, one of the Judges of the Supreme Court." Such is the heading of the *Alta*, but with proper regard for equity, fearing we might do another injustice, we cannot accuse Terry of attempted assassination. Reasons being that statements were contradictory by those who gave evidence of the affair. The *Alta* gave the particulars as related by an "eye witness," but fails to state who the eye witness was, who thus placed all the blame upon Terry. Two other parties namely, Franklin L. Jones and Wm. H. Barger, both on their sworn testimony, gave similar accounts, and very different from the "eye witness." After a careful examination of all the evidence we will proceed to give the following description of the affair: It appears that Sterling A. Hopkins and four other members of the Vigilance Committee were executing an arrest upon Rube Maloney, known to be a political trickster; that at the time Maloney was in company with Judge Terry and three others. In endeavoring to secure the person Maloney a general scuffle ensued, in which it was said, Terry and Hopkins encountered each other. It was also said, by the two aforesaid parties sworn, that Terry was seen to stagger, as from the stroke of Hopkins' revolver. Terry was then seen to draw a knife and stab Hopkins in the neck. As soon as Hopkins was cut, he ran down the street and said, "I am stabbed." His friends conducted him to Engine House 12, where he received attention. Dr. R. B. Cole examined the wound, and reported that it was done with a large broad-bladed knife, and was a stab or thrust running about midway between the angle of the jaw-bone and clavicle, or collar-bone, inward and a little forward, producing a wound some four inches deep; severing one or more branches of the left caroted artery, and penetrating the gullet. The hemorrhage was very great at first, but was arrested, and it was the opinion of Dr. Cole that the patient would recover. As soon as the fatal blow was struck, Judge Terry, Maloney and the others fled to their armory at the corner of Jackson and Dupont streets, and were attended by a lot of the "law and order" men, who rushed in to protect them. Some of the Vigilante boys, however, were in the vicinity, and they immediately closed the iron doors of the entrance to the building, thereby preventing many of the opposition from entering. The building was soon entirely surrounded by members of the Committee, to prevent Terry's escape. The great alarm bell was sounded for the first time, and thousands quickly obeyed its summons.

In less than fifteen minutes after the alarm was sounded the Committee had detailed armed men, and completely surrounded the four buildings where the "law and order" party were supposed to have arms stored. This sudden movement took the opposition by surprise, and prevented them from getting into their armories, except a few squads who were in before the guards arrived. Every Committee man seemed to be on duty, and each wore a white ribbon on the left lappel of the coat. Several draymen on Front street were loading up goods, but on the alarm being given, they stripped off the harness, mounted their steeds, and took their places in the ranks of the Cavalry.

The streets in every direction near the Armory glistened with bayonets. At thirty minutes after the alarm the Committee had possession of every house, and every favorable position about the armory of the "law and order" men; who, apparently, were not preparing any resistance.

Soon after the gathering at the armory, Dr. Ashe appeared at one of the windows from the second floor, and said that Terry was in the building, and they did not intend to make any resistance, or attempt to escape. He asked that one of the Executive Committee of 29, might be sent for, to confer on terms of surrender.

ARRIVAL OF THE DELEGATION FROM THE EXECUTIVE COMMITTEE.

Mess. Truett, Smiley, Vail, Tillinghast and Dempster, arrived about 4 o'clock, and after a short conference, made a written demand for the persons of Terry and Maloney, together with all the arms and ammunition in the building. Several communications passed between the Committee men and those within the armory, in regards to terms of surrender, and frequent dispatches were exchanged between the delegation and the Executive Committee in session at headquarters, during these negotiations. The Committee finally notified the men within the armory to surrender, and gave them fifteen minutes to do so. At the expiration of that time one of the Committee said, in a loud voice, "we want your arms; open this door." Without hesitation the iron bolts were drawn, and the doors thrown open. About twenty men then marched into the building, and without resistance, brought out all the arms from within; embracing a stand of about 300 muskets. These were loaded upon drays, and conveyed to the Committee rooms. Two coaches were then brought up in front of the armory door, and the prisoners, Terry and Maloney, were brought down and placed within them, to be taken to the rooms. Terry appeared very indifferent to the scene, but Maloney was excited, and looked quite pale. After the prisoners had been committed to jail, the Committee turned their attention to the recovery of arms from other arsenals. The forces were next concentrated to the California exchange, where there were about 150 law and order" men with arms in hand, but were unable to get out, on account of the stronger force of their assailants. The Committee men drew up two pieces of cannon in front of the building, and when everything was ready for assault, a delegation of executives demanded of Col. West, to surrender. He very reluctantly did so. From this place the Committee received about 250 stand of excellent rifles and muskets. Several other armories were captured during the night, and every place was visited that was suspected to be occupied by any "law and order" men. After this there was virtually no force in opposition to the Vigilantes. The following day the wound of Hopkins was pronounced as not mortal, but from its nature would be slow cure Terry was held awaiting developments. We shall speak of him hereafter.

THE TRAGEDY OF RANDAL AND HETHERINGTON.

Notwithstanding the fact that the Vigilantes were known to be active to punish crime, and had published their constitution in the daily papers each day for the past month, it seems that the predisposition to do evil was so great that it could not be immediately subdued. Another cold blooded and premeditated slaughter occurred on the evening of July 24th '56. The cause of the assault was said to be an indebtedness of Dr. Randal to Joseph Hetherington, for borrowed money on some real estate, which the Doctor was unable to pay. The mortgages had been foreclosed, and much of the valuable property belonging to the Doctor was pledged to secure the debt. The parties were formerly intimate friends, and had transacted considerble business together. But since the Doctor had been unable to meet promptly the demands of Hetherington, a coldness had grown between them, which caused much vindictive abuse on the part of Hetherington. He pursued the Doctor about the streets with insults in order to get him into a difficulty, and he frequently threatened to shoot the Doctor on sight. About half past 3 o'clock the 24th P. M. the Doctor went down to the St. Nicholas hotel, where he had rooms, and was pursued by Hetherington and some friends, who kept at a distance from him. The doctor entered the hotel, placed his name on the register, took some letters from the clerks office, and was reading one when Hetherington came into the room, and stepping up to the Doctor, took him by the whiskers, (which are very long,) and pulled them so forcibly as to jerk the Doctor five or six feet from where he was standing In an instant both drew their revolvers and commenced firing at each other. In the examination of a dozen witnesses; some were of the opinion that Hetherington fired first, and others that the firing was simultaneous. All, however, agreed that the first assault was made by Hetherington, by pulling the Doctor by the beard. After the second shot the Doctor dropped down, when Hetherton putting his pistol close to the Doctor—shot him through the head. The ball entered the left temple, and lodged in the right lobe of the brain, and rendered the victim almost instantly senseless. He died the following day.

CHARACTER OF THE MURDERER.

Hetherington was well known in San Francisco. Some years previous he was a monte dealer on Long Wharf. In 1853, he, in cold blood and without due provocation, murdered Dr. Baldwin. After a short trial, and a few minutes consultation, the jury returned the startling verdict, "Not Guilty."

Soon after the shooting of Dr Randal, on the evening of the 24th, the Vigilante boys were on the ground. The offender had already been arrested by the police, but was quietly given up, and was transferred to Fort Vigilance.

It was known throughout the City that the Executive Committee were holding a session immediately after the murder, and there was no doubt as to the nature and reason of the proceedings.

However, on the morning of Tuesday, July 29th, it became known that Joseph Hetherington, the murderer of Dr. Baldwin 1853, and Dr Randal on Thursday last; and Philander Brace, the murderer of Capt. West in 1854, and the supposed murderer of Marion, two days afterward, would be executed during the day.

About twelve o'clock, several of the military companies of the Committee were observed in the street, ready for action; this was additional evidence that something serious was in anticipation. The gathering near the rooms by this time was immense. All business was apparently suspended, and all eyes and attention were directed to the headquarters of the Committee. By two o'clock the entire force of the Committee where probably on duty, and it was estimated that not less thah five thousand were under arms. About this time a reporter visited Hetherington and found him engaged in writing, which he performed without exhibiting the least excitement. He appeared as cool and unconcerned as the most indifferent could be. He remarked that he should die as calmly as he appeared at that time. He conversed freely of the past acts of his life, and of the killing of Dr. Randal He regarded it as an unfortunate affair, but one which he could not avoid. He said that he was forced into it by the first shot of his adversary. His version of the shooting was that the Doctor drew first, and fired before he did. He did not look upon the affair as murder, claiming that he acted in self defence. He blamed the Executive Committee for its conviction, and defied any man to impeach his character. He felt ready and prepared for the fate that awaited him, and said he wanted the reporters to be present and report what he would say on the scaffold, and add nothing to it. He claimed to have been a native of Cumberland County, England, and was thirty-five years of age. He had lived much of his life in St. Louis and New Orleans; had been in California since 1850. Said he had no relatives in the United States, and had never been married. He was possessed of an estate which he said would amount to from forty to seventy-five thousand dollars, accordingly as it was settled.

He left his business in the hands of F. M. & Henry Haight, who had been his counsels in this City and St. Louis.

He said he had been visited during the morning by several clergymen, who had been very kind to him, and to whom he felt under obligations. He, however, felt fully prepared for death, but regretted that it should be by the gallows.

APPEARANCE OF BRACE.

The prisoner Brace appeared quite the reverse of Hetherington, and he manifested no penitence or dread of the awful moment that awaited him. His time was spent in cursing and swearing, and in the use of the most revolting language. His cell was visited by Rev. Messrs. Scott, Thomas, and Kipp; all of whom he treated most contemptuously; uttering the most vulgar and obscene language in their presence, and threatening to kick them out of his cell. They succeeded, however, about two hours before the execution, in quieting him, and he spent his last two hours mostly in prayer.

Brace was quite a young man, apparently not more than twenty-one or twenty-two years old, and possessed of a remarkable degree of intelligence, both natural and acquired. He was a native of Onandaigua County, New York, where he had a father at that time residing. The history of his life for the two previous years had been published in the S. F. papers, and was full of crime.

The principal charges against him were the murders of Captain West, about a year prior, near the Mission, and the subsequent murder of his accomplice when they were pursued. He, however, confessed to the commission of many other crimes since his arrest, which he mentioned in a boasting manner. He admitted to having been a great thief, and said he stole because he could not help it. But little dependence, however, could be put on anything he said, as he was a most confirmed liar.

He appeared to be liberally educated, and could speak several languages fluently.

He possessed talents in no ordinary character, and had they been properly directed, would have made him a distinguished man.

THE GALLOWS.

At four o'clock, workmen commenced erecting the gallows on Davis street, between Sacramento and Commercial streets. This was the signal for the usual gathering about the locality, and before five o'clock every available space, from which a view could be obtained, was crowded with people, eager to witness the scene of horror. Every building and housetop for blocks around, was literally alive with humanity. The gallows were of simple structure; being four uprights to sustain the platform, with the usual cross-beam overhead, to which the ropes were attached.

The armed forces of the Committee were so stationed as to command all the approaches to the spot, and to prevent any interference with the duties of the executioner, were such a design attempted.

Horsemen guarded the outposts on the intersection of the streets three or four blocks distant from the gallows, and heavy ordinance were stationed at the corners of California, Sacramento, Commercial, Front and Davis streets; which were manned by the artilery companies. The infantry companies were paraded along all the various streets within three or four blocks of the rooms, in regular order, and maintained the most perfect discipline and order throughout the day. It was rumored that the Sheriff would make an attempt to get possession of the prisoners, hence these precautions. It is impossible to give anything like an estimate of the persons who were spectators. As far as the eye could reach in every direction, seemed to be nothing but a living mass. At half past five o'clock, the gallows being ready for action, the Executive Committee were escorted from the rooms to that vicinity, where they occupied a separate position in a body. The prisoners were then taken from their cells and placed each in a carriage, accompanied by a guard of officers, and were driven to the execution grounds.

A death-like stillness prevailed among the spectators and soldiers as the carriages approached, and many stood uncovered. Both the prisoners ascended the scaffold with a firm step, and were, to all appearances, little affected by the awful summons. The Rev. Mr. Thomas, of the M. E. Church, also went upon the scaffold, accompanied by two or three officers, who officiated as executioners.

Both prisoners aided the officers in adjusting the noose to their necks. With great coolness they took off their neck ties and loosened their shirt collars. After the ropes had been placed on their necks, Brace turned to his companion and extended his hand, which was taken by Hetherington. A few words passed between them, as if bidding each other adieu. Hetherington then proceeded to address the assembly as follows:

"Gentlemen, you may think me a hardened sinner, but I appear before you cool, unconcerned, and free. I am now about to meet my Maker. To the best of my knowledge, I never lived a day in my life that I was afraid to meet my Maker that night. (To the reporter—have you got that)? Do you think that I am boasting or bragging, gentlemen? I am not. The Rev. Bishop Kipp has been with me all day—not all day, but nearly all." Brace here interrupted him, "go on, go on with what you have to say." (The executioner checked Brace, who replied to him) "Away you d——d son of a b——h!"

Hetherington—I am not any more penitent to-day than I have been any day of my life.

Brace—Go on, old hoss.

Hetherington—In a conversation which I had with Mr. O'Brien, two weeks ago, our conversation turned upon religion, and I assured him that there never was a day in my life—

Brace—Hurry up, and not stop so long. D'ye think I want to stand here and be stared at by these ignoramuses? I wish to meet my doom immediately.

Hetherington—They tell me to stop. (Several voices, go on, go on, Hetherington.)

Hetherington—I have not disobeyed any of the rules of that house (pointing to the Committee rooms). I should be very sorry to do it; if you will say go on, I will go on.

Brace—Go on, and brave it out; don't talk about Dr. Kipp. They don't want to know anything about him.

Hetherington—About my conversation with Dr. O'Brien, it turned upon religion—

Brace (interrupting)—Ah! oh, I'm drunk: so I'm all right.

Hetherington—I told the Doctor I was prepared to meet my God at any moment; and furthermore, that I never lived one day in my life that I was not prepared to meet my God at night. Dr. P. O'Brien will make an affidavit to that I think, if called upon.

Brace—You have your vengeance gentlemen, to your hearts' content; I don't care a d—n; I want you to understand that clearly, fully, and distinctly, gents.

Hetherington—The gentlemen have given orders to go ahead. I will change my note; and will merely say, as orders have been given to stop, that in the first difficulty I had with Dr. Baldwin, I had to shoot him in defence of my own life.

Brace—I shall die murdered by the Vigilance Committee, July 29th, 1856. I wish that clearly and distinctly understood on the house-top, there.

Hetherington—I was acquitted of that, but still it hangs upon me. I must stop; but I will first add, that so far as killing Dr Randal is concerned, I merely asked for a conversation with Mr. Corkle, when he turned around and drew his pistol I had to kill him to save my own life. I have lived a gentleman all my life, and I will die a gentleman, though on the gallows. I defy any man in the whole world to prove that I have done one dishonorable act in my life. I have been abused by the public press of this city, where I have resided for five or six years, for some cause unknown to me. I am in a few minutes to be launched into eternity. You may please yourselves, notwithstanding I have no bad feelings toward any person living. I forgive every man freely, as I expect my Redeemer to forgive me. Lord have mercy on my soul!

Brace—God d—n it, dry up! What's the use talking to them?

Hetherington—I was going to make a remark that very few people—

Brace—Go it old hoss!

Hetherington—I have led a life, pure, mild, and above all reproach.

As to how I have been treated, I will say for Mr. Gillespie that he insulted me very much, but I freely forgive him. T. J. S. Smiley has been a friend to me.

Brace—Come, dry up. What the bloody h—l is the use of keeping me here, just waiting for you? I want to go through with it.

Hetherington—My witnesses were never put before a jury. I protested against several things that had been done. I am satisfied that no jury on the face of the earth would have convicted me. So far, a fair trial I have not had.

I am not afraid to meet my God. I hope the Lord will have mercy on my soul. I hereby forgive every man on the face of the earth. I ask every man living to forgive me as freely as I forgive him. Gentlemen, I am here before you all. Do not believe that I am hardened I have prayed from the day of my birth to the day of my death. The executioner here stepped up behind and gently drew on the white cap.

Hetherington—The Lord have mercy on my soul. I will meet my Saviour. I should like to have seen Fletcher Haight, but that was denied me. Remember me to Fletcher Haight and Henry Haight. Lord have mercy on my soul.

Hetherington spoke with a strong North of England accent, and occasionally referred to a memorandum which he held in his hand.

THE EXECUTION.

While Hetherington was yet speaking, and Brace going through his strange, unnatural and revolting performances, the caps were drawn over their faces, the signal was given, followed by deep tone from the bell of the Vigilante building, which was another signal for the executioner, who, with mallet and chisel cut the cord that sustained the drop, and at once the two victims were suspended in mid air. The noose had been well adjusted, so that death was almost instantaneous. The body of Brace was not observed to move at all; that of Hetherington, after three or four minutes, was seen to move slightly, and then all was over. The bodies were allowed to hang thirty minutes; they were then removed to the Committee Rooms, and afterward given over to the Coroner.

DRESS AND APPEARANCE OF PRISONERS BEFORE DEATH

Hetherington was about thirty-five years old; full medium size; rather a good figure of a man; dark complexion, black hair and whiskers, with a keen and determined eye. He was dressed in a black suit throughout, with a light leghorn hat.

He was quiet in his intercourse with men, more than ordinarily so, and quite reserved in his conversation. But he carried on his countenance an expression of a strong will, and a determination that was easily observed. Of his life in San Francisco, it had not been of such character as could be commended.

Brace was a much younger man, being only twenty-one, and appearing even younger than that. He was smaller in statue, and of genteel address, with winning and pleasing manners; which gave him greater advantage over those whom he sought to deceive. He was dressed in checked pantaloons, black cloth coat, and blue cloth vest; all of which were kept scrupulously neat and clean. Thus ends the sad history of Hetherington and Brace. May God have mercy on their souls, we say. Amen.

During the time that elapsed for the occurrence of Hopkins and Terry, June 22d until Aug. 7th, Terry had been held in confinement by the Vigilantes.

At the latter date, however, Mr. Hopkins having so far recovered as to be declared out of danger, the Vigilance Committee assembled and passed the following sentence on the prisoner:

"WHEREAS, David S. Terry, having been convicted, after a full and impartial trial, of certain charges, before the Committee of Vigilance; and the usual punishments in their power to inflict not being applicable in the present instance; therefore, be it declared that the decision of the Committee of Vigilance is as follows: That the said David S. Terry be discharged from custody; and

Resolved, That in the opinion of the Committee of Vigilance, the interests of the State imperatively demand that the said David S. Terry should resign his position as Judge of the Supreme Court;

Resolved, That this resolution be read to David S. Terry, and he forthwith be discharged from the custody of the Committee of Vigilance." The above sentence was read to Judge Terry in presence of the Executive Committee at fifteen minutes past 2 o'clock Aug. 7th, and he was thereby released from custody.

From the S. F. *Alta* of the 4th August: "The Vigilance Committee have seized several bogus ballot-boxes, which shows the frauds which may have been practiced at the late elections.

On looking at the box, few would suspectt he contrivances about it; but on close examination, it was found to have a false bottom, and a false side, sliding in groves, under and behind which were packed spurious votes, all ready for election. One or both of these slides had only to be withdrawn, the box turned upside down and emptied on the table, to insure for the favored candidate any extent of majority."

The discoveries of fraud in election matters, which the Vigilance Committee exposed for the next several months, were quite alarming. They now turned their entire attention to the purifying of the ballot box, to ensure a fair election in November. Whether or not they succeeded can best be deduced from the following article, which we extract from a paragraph of the S F. *Alta*.

Wednesday, Nov. 5th, 1856. "The people's ticket is elected, and the people themselves have at last succeeded in electing, from among themselves, the men who shall administer the government affairs of this city. As near as can be ascertained, the local people's ticket has been elected by over a thousand majority; but it has been elected there is no doubt. All the lies, misstatements and misrepresentations which partisan malice and partisan interest could invent, have been promulgated against the people's candidates, and the committee which nominated them. All the tricks which partisan leaders and wire-pullers knew so well how to use, have been resorted to for the purpose of defeating the people's ticket; but the people have triumphed over the tricksters, and they can now laugh at the weak and futile efforts of the miserable professional politicians to defeat the decent element of the community, when it is once aroused to action. There has never before in San Francisco been such a quiet election day. The bullyism and ruffianism which has characterized the polls heretofore was quite absent on this occasion. The bullies and rowdies, if they were there, kept themselves quiet, and did not dare to infringe upon, or interfere with the rights of honest voters. It was a pleasing scene—such as we have never before witnessed in San Francisco—to see our citizens turn out as they did, *en masse*, and go quietly to the polls and, without hesitation, deposit the ballot on which the welfare of the city, state and nation depended. We may thank the Vigilance Committee for the quiet, peace and fairness which characterized the election of yesterday. A lesson was taught by them to the election bullies and box stuffers, which effectually prevented their interfering. But for the determined spirit which was exhibited by the Committee—but for the manifast intention, which they made pubilc, to protect the purety of the ballot box, which is the only safeguard of government administration—but for this action, we doubt not that similar frauds would have characterized the election, which is now so satisfactory to the community. Once again, thanks to the Vigilance Committee."

CONCLUSION.

I am informed by an ex-Vigilante that the Committee roll-call of '56, just before its disbandment, numbered between eight and nine thousand.

In concluding our history of this society, we will give the names and penalties inflicted on those who came under its eye during the latter year; whose conduct was so irreparably bad that it could not be excused.

Those who suffered the death penalty, did so in expiation for lives they had taken. The names of these culprits are familiar to the reader. We also give the names of those who were required to leave the State; all of whom, in the archives of the Vigilantes, fall under the head of

THE BLACK LIST.

James P. Casey, executed May 22d, 1856.
Charles Cora, executed May 22d '56
Joseph Hetherington, executed July 29th, '56.
Philander Brace, executed July 29th, '56.
Yankee Sullivan, suicided May 31st—expelled.
Chas. P. Duane, shipped on "Golden Age" June 5th.
William Mulligan, shipped on "Golden Age" June 5th.
Wooley Kearney, shipped on "Golden Age" June 5th.
Bill Carr, sent to Sandwich Islands June 5th.
Martin Gallagher, sent to Sandwich Islands June 5th.
Edward Bulger, sent to Sandwich Islands June 5th.
Peter Wightman, ran away about June 1st.
Ned McGowan, ran away about June 1st.
John Crow, left on "Sonora" June 20th.
Bill Lewis, shipped on "Sierra Nevada" June 20th.
Terrence Kelley, shipped on "Sierra Nevada" June 20th.
John Lowler, shipped on "Sierra Nevada" June 20th.
William Hamilton, shipped on "Sierra Nevada" June 20th.
James Cusick, ordered to leave, but refused to go, and fled into the interior.
James Hennessey, ordered to leave, but fled into the interior.
T. B. Cunningham, shipped July 5th.
Alex. Purple, shipped July 5th.
Tom Mulloy, shipped July 5th.
Lewis Mahoney, shipped July 5th.
J. R. Maloney, shipped July 5th.
Dan Aldrich, shipped July 5th.
James White, shipped July 21st.

James Burke, alias "Activity," shipped July 21st.
Wm. F. McLean, shipped July 21st.
Abraham Kraft, shipped July 21st.

Four executions, one suicide, and 26 dismissals.

Shortly after the election of November the Vigilance Committee disbanded; having previously thrown open their rooms for the inspection of the public. They now felt that the grand design of the movement had been accomplished; that in pursuance of the last election, the true will of the majority of the voters was represented, and to the officers of their choice, the Vigilantes willingly resigned the power which it had been necessary for them to usurp during the previous administration. In reviewing the crimes that had gone unpunished in San Francisco previous to the existence of the Vigilantes, who can claim that their action was not justifiable? Was not necessary? Yes, necessary for the protection of the life and property of the individual—necessary for the preservation of the peace and prosperity of the community; which, judging from the following year's record was much improved. Never since the year 1856, has San Francisco had a recurrence of those assassinations and crimes to such an extent as prevailed during the years that preceded that date. Although the city was continually and rapidly being increased in population, adding up to the present time, over 200,000 persons to the number who then occupied it; and now comprises a greater variety of the different nationalities, in their native modes of life than probably any city in the world; yet San Francisco is at present one of the most peaceable cities in America.

The Vigilance Committee is a thing of the past, which we trust will never be called into requisition; but in referring to it our only regrets are that the defiance of law and the perpetration of crime were ever so startling as to require such violent and speedy remedy.